

# **LA TAPATIA TORTILLERIA, INC.**

## **EMPLOYEE HANDBOOK**

Effective January 2025



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# INTRODUCTION

## **About Us**

Since 1946, La Tapatia has been distributing tortillas and other Mexican food products throughout the United States and the world.

Our mission is to develop, produce and market grain-based foods and other complementary food products domestically and internationally that will have exceptional taste, nutrition and appearance. Our commitment to excellence in research, manufacturing and marketing provide opportunity, growth and development for our employees, as well as benefits for consumers and the communities in which we conduct business.

## **Purpose of the Employee Handbook**

This employee handbook includes personnel policies and procedures that govern the day-to-day operations of La Tapatia. These policies are intended to increase an employee's understanding of the company's expectations and set forth levels of responsibility and authority for all employees and managers.

This handbook, however, cannot anticipate every situation or answer every question about employment with us. The handbook is not, nor is it intended to be, an employment contract. Nor is it intended to create legal rights. In order to retain the necessary flexibility in the administration of policies and procedures, La Tapatia reserves the right to change or revise policies and procedures described in this handbook without notice whenever it determines that such action is warranted. Any written changes to this handbook will be distributed to all employees so that you will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

Again, welcome to our team! We hope that you will find your work with our company a rewarding experience.

# FAIR EMPLOYMENT POLICIES

## **At-Will Employment**

You are free to terminate your employment at any time, with or without a reason or notice. La Tapatia Tortilleria, Inc. (hereafter referred to as La Tapatia or “the company”) also has the right to terminate your employment at any time, with or without a reason or notice. Cause is not required for an employee's termination. This is called "at will" employment. La Tapatia also reserves the right to change your compensation, position, duties, hours of work and any other term or condition of employment without notice or reason.

No one at La Tapatia is authorized to enter into an agreement, or make representations which are contrary to this policy, unless in writing signed by the company President.

## **Equal Employment Opportunity**

La Tapatia is an equal opportunity employer and makes employment decisions based on merit. We seek the best available person for every job, and company policy prohibits unlawful discrimination based on race, color, religious creed, national origin (including possessing a driver's license issued under Vehicle Code § 12801.9), ancestry, physical or mental disability, medical condition, age, marital status including domestic partnership, gender, sexual orientation, gender identity, an applicant or employee who has caregiving responsibilities, reproductive health decision making, the use of cannabis off the job and away from the workplace, any combination of these characteristics, or any other consideration made unlawful by federal, state or local laws.

La Tapatia will not inform you that you, or an applicant for a position, must have a driver's license unless we reasonably expect driving to be one of the job functions and that no alternative form of transportation would be comparable in travel time or cost to the company.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, La Tapatia will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship would result. The intent of a reasonable accommodation is to allow an employee to perform the essential job duties; therefore a reasonable accommodation will be directed to the limitations created by the identified disability.

If you require an accommodation in order to perform the essential functions of the job, contact your supervisor or the Human Resources Manager (HR Manager) to request an accommodation. You should specify what accommodation you need to perform the job. A member of management will meet with you to identify and discuss possible accommodations, if any, which may assist you performing the job. Once an accommodation has been determined, we will continue to provide the accommodation until no longer needed. You are responsible to request an accommodation and to communicate with us to determine effective reasonable accommodations. This duty to communicate remains throughout the accommodation period. If you fail to communicate, La Tapatia will be compelled to make decisions with the limited information in its possession. In certain circumstances, you may need to notify another supervisor of the accommodation so that you receive the proper response to a request.

In order to fully evaluate your needs and to determine possible accommodations, we expect the parties to engage in an open, interactive discussion. The interactive discussion may consist of multiple communications, including ongoing efforts to accommodate a disability, the identification of vacant positions which the employee may be qualified to perform, and consideration of the employee's ideas for potential accommodations. In considering possible accommodations, La Tapatia cannot eliminate essential functions of a position in an effort to place the employee in a particular position. We may also ask you to provide documentation from a health care provider of the limitation(s) as well as possible accommodations. We will document the interactions between you and La Tapatia and ask you to sign the document. The company will make a reasonable accommodation that does not impose an undue hardship to assist a qualified individual with a disability.

La Tapatia is unable to provide an employee with an indefinite leave of absence as an accommodation. Indefinite leaves of absence typically arise when a health care professional cannot provide a reasonable time frame for an employee's return to work. An indefinite leave of absence may also arise when a health care professional provides us with multiple excuses from work for a specific period of time, but fails to provide a reasonable return date.

A medical examination may be required of employees when the examination is job-related and consistent with business necessity. This may include circumstances when La Tapatia needs to assess possible harm or conduct an independent assessment of fitness for duty.

In the event there is a conflict between a person's religious belief or observance, religious dress or grooming practice and any employment requirement, La Tapatia will explore available reasonable means of accommodating that religious belief or observance, including the possibility of excusing an employee from duties that conflict, with those duties to be performed at another time or by another person. Religious belief or observance includes observance of a Sabbath or other religious holy day, and reasonable time to travel to and from a religious observance. We will provide an accommodation unless it is an undue hardship, which means that the action requires substantial difficulty or expense in light of the nature and cost of the accommodation, financial resources of the organization, the number of persons employed at the workplace, the effect on expenses or resources or the impact of the accommodations on operations. An accommodation for an employee's religious dress practice or religious grooming practice will never take the form of segregating the employee from other employees or the public. La Tapatia will not retaliate or discriminate against a person for requesting a religious accommodation.

## **Policy Prohibiting Unlawful Discrimination and Harassment**

All persons, including employees, vendors, contractors, clients, customers and other third-parties are prohibited from engaging in unlawful behavior under the Fair Employment and Housing Act ("FEHA") or Title VII. Unlawful behavior includes discrimination, harassment or retaliation of our employees, independent contractors, or interns. We want to maintain a working environment free from all forms of discrimination and harassment, whether based upon race, religious creed (including religious dress or grooming), color, national origin (including possessing a driver's license issued under Vehicle Code § 12801.9), ancestry, physical or mental disability, medical condition, genetic information or characteristics, marital status including domestic partnership, familial status, age, sex (including sexual harassment, gender harassment, and harassment based on pregnancy, childbirth or related medical conditions and breastfeeding or medical conditions related to breastfeeding), gender identity, gender expression, or sexual

orientation, military or veteran status, reproductive health decision making, or any other legally protected characteristic or status. Employees are also protected if they are perceived to have any of these characteristics or are associated with a person who has, or is perceived to have any of these characteristics.

Unlawful discrimination may consist of a decision, policy or practice that treats employees differently based on a protected characteristic or status. Harassment involves conduct or behavior that is so severe or pervasive that it alters a person's employment and affects a term, condition or privilege of employment. This is called a "hostile working environment." Harassment may also occur when a managerial employee asks a subordinate for sexual favors in return for a job benefit. This is called "quid pro quo" harassment. Sexually harassing conduct need not be motivated by sexual desire. Examples of prohibited conduct are described below.

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's race, age, national origin, disability or mimicking one's speech, accent or disability, are examples of prohibited conduct and will not be tolerated in our organization.

Discrimination or harassment may take many forms. Following are a few examples of prohibited discrimination or harassment:

- A manager making a promotion or other employment decision based on the worker's gender, race, personal relationship or other protected class;
- Making racial, ethnic or religious epithets, slurs or jokes;
- Directing remarks, jokes or other intimidating behavior towards persons of a specific race, gender or other protected classification;
- Making comments, jokes or innuendo of a sexual nature, including comments about a person's body;
- Exhibiting nude, profane, or obscene cartoons, drawings or photographs;
- Whistling, staring, leering or making other sexual gestures;
- Inappropriate touching, hugging or kissing, assault, or impeding or blocking movements;
- Making unwelcome sexual advances or requests for sexual favors;
- Making submission to sexual requests a term or condition of employment, job benefit or job opportunity;
- Any other conduct that a person could conclude is intimidating, hostile or offensive behavior and based on a protected classification.

Every employee has the responsibility to maintain the workplace free of any form of unlawful discrimination or harassment. If you are the victim of unlawful discrimination or harassment, or if you witness an event that you feel may constitute unlawful discrimination or harassment, you must immediately report the incident(s) to an appropriate authority. You cannot remain silent. You have an obligation to report the incident(s) and cooperate in any investigation.

Managers and supervisors are accountable for taking reasonable steps to prevent unlawful discrimination or harassment and stop the behavior from reoccurring in the event it does happen. This includes ensuring reporting of incidents, monitoring employees and third persons (such as vendors or clients) who may have engaged in inappropriate behavior, carefully listening to employee grievances regarding alleged unfair



treatment and protecting employees against retaliation. Supervisors must report any complaints of misconduct to the HR Manager so the company can try to resolve the claim as quickly as possible.

This policy covers conduct in the workplace, at social functions sponsored by La Tapatia (such as holiday dinners, picnics, sporting events, etc.), and business functions (such as conventions, trade shows, etc.).

Any messages or communications sent or received through our electronic communications systems are subject to our anti-harassment and anti-discrimination policies. The use of information systems (including email and internet) for the display or transmission of sexually explicit images, message, off-color jokes, racial slurs, or anything that may be construed as unlawful harassment or showing disrespect for others, is prohibited.

The company provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employee relations. As an employee of La Tapatia, you have the responsibility to immediately report any inappropriate or prohibited actions or words by a supervisor, co-worker, vendor, client, contractor or other individual. You should report the incident to your manager/supervisor, or any other manager, or to the next level of management, if the complaint involves your direct supervisor or manager. You may always express your concerns to Sierra HR Partners (559.431.8090), a company that assists with our human resource needs.

We encourage employees to use the appropriate procedure for notifying La Tapatia of a concern or complaint. Notifying the appropriate representative allows us to investigate and resolve a complaint. An employee who does not use appropriate procedures, but instead gossips to co-workers may make the situation worse. In addition, the person gossiping may be subject to a lawsuit by the person who is the subject of the gossip. Company representatives will also exercise discretion and maintain confidentiality to the extent possible, disclosing information to those persons only who have a legitimate need to know the information.

La Tapatia will not retaliate against you for making a complaint regarding any employment practice prohibited by this policy, or for testifying, assisting or cooperating in any proceeding authorized by state or federal civil rights laws. Nor will we retaliate or discriminate against a person for requesting a religious accommodation.

We will take prompt remedial action in the event of a complaint. All complaints of unlawful discrimination or harassment will be followed by a fair, complete and timely investigation by qualified personnel. We will provide all parties with appropriate due process and reach reasonable conclusions based on the evidence collected. Investigations will be documented to show reasonable progress, and will be closed in a timely manner.

Prompt remedial action may include investigations, disciplinary actions or appropriate restoration of job benefits. Discretion will be used during the investigation in order to maintain as much confidentiality as possible while still being able to effectively complete the investigation. In order to protect employee privacy and ensure the integrity of the investigation, employees who are interviewed will be required to maintain confidentiality of the investigation and the contents of the discussion until the investigation has concluded. To the extent possible, the complainant and the accused will be advised of the findings and the

conclusion. To provide confidentiality and to protect all persons, including witnesses, the company may not disclose all information in its possession.

Remedial action will be taken if misconduct is found. Action taken will be designed to ensure that the victim is restored to his/her position and that the inappropriate behavior will not be repeated. Action taken for misconduct could include job discipline, termination of employment, termination of a contract or other measure depending on the circumstances of the situation and the person's relationship with the organization.

If you believe you have been the victim of unlawful discrimination or harassment or suffered retaliation you may also contact the California Civil Rights Department or the federal Equal Employment Opportunity Commission. These agencies may investigate or assist you in resolving any dispute. A local governmental entity may also provide you with assistance. The CRD and EEOC, if they prosecute the case, can obtain various remedies for a person including imposing fines or damages for emotional distress against the employer or persons who violated the law; order the employer to hire or reinstate you; order back pay or a promotion; order the employer to change or modify its workplace practices.

While it is not required that you exhaust the resolution process before contacting a governmental agency, we hope that you will take advantage of the company's process for resolving workplace concerns and complaints. We believe that prompt reporting of concerns will allow us to work in an environment that allows everyone to perform his/her job in a positive manner.

You may view online sexual harassment training courses developed by the Civil Rights Department (CRD) at <https://calcivilrights.ca.gov/shpt/>.

### **Salary Information**

La Tapatia will not seek or request salary history information about an applicant for employment. However, if an applicant voluntarily discloses it, the company may rely on the information to determine the pay rate of the applicant. We will include the pay scale for a position in any job posting.

We will provide a pay scale, meaning a salary or wage range, for a position to an applicant who requests it after an initial interview. The company will also provide the pay scale to an employee, upon request, for the position the employee currently holds. We will also maintain records of a job title and wage rate history for each employee for the duration of employment plus three years.

### **Reporting Compliance Irregularities**

At La Tapatia we are committed to maintain high professional and ethical standards. We expect all employees to comply with all applicable laws. If you have any concern or question regarding any policy or practice of the company, we encourage you to speak with the HR Manager.

In addition, if you have reason to believe that La Tapatia has violated a state or federal statute, or violated or failed to comply with a local, state or federal rule, regulation, or ordinance, you may file a report with the Attorney General's office without fear of retaliation. Labor Law posters located in the Corn & Flour lunch room, the Chip lunch room, and the Drivers room describe your rights and provides the telephone number of the reporting hotline. The company will not retaliate against any employee, or the employee's

family member, because that person has disclosed information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has the authority to investigate, discover, or correct the violation or noncompliance, or for providing information to or testifying before a public body conducting an investigation, hearing, or inquiry provided the employee had reasonable cause to believe the information disclosed a violation of law. Disclosing information need not be part of the employee's job. Nor is it required that the disclosure relate to La Tapatia's business operations.

### **Genetic Information Nondiscrimination Act (GINA)**

La Tapatia will not ask you for any genetic information with respect to your employment. However, in responding to a request for medical certification for a leave of absence or an accommodation you or your healthcare provider may inadvertently provide genetic information about yourself. With this in mind, you are provided with the following information:

The Genetic Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting, or requiring, genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### **Immigration Related Policies**

An employee may exercise his/her rights under the Labor Code or any local ordinance without suffering unfair immigration-related practices. This includes the filing of a complaint or informing La Tapatia of an alleged violation of the Labor Code or local ordinance, provided the complaint or disclosure is made in good-faith, seeking information about whether the company is in compliance, or informing another person of his/her rights under the Labor Code or local ordinance.

Moreover, La Tapatia will not take adverse action against an employee, including reporting or threatening to report the employee or family member to a federal, state or local agency based on the employee's suspected citizenship or immigration status, because (s)he exercises a right under the Labor Code, the Government Code, or the Civil Code.

### **National Guard Employment Protections**

Under the conditions set forth in this policy, La Tapatia will restore a former employee to the former position, or to a position of similar seniority, status, and pay without loss of retirement or other benefits, unless the company's circumstances have so changed as to make it impossible or unreasonable to do so, and will not discharge the former employee from the position without cause within one year after restoring him/her to the position.

The former employee must meet these conditions: (1) (s)he is an officer or enlisted member of the National Guard of any state; (2) (s)he was called to active duty by the governor of the state where (s)he serves in the National Guard or by the President of the United States; (3) (s)he received a certificate of satisfactory service in the National Guard; (4) (s)he is still qualified to perform the duties of the position; (5) (s)he made an application for reemployment (i) within 40 days of being released if the employee was in a full-time position, or (ii) within five days of being released if the employee was in a part-time position.

### **Use of the E-Verify System**

La Tapatia may use a federal system called “E-Verify” to determine whether a person who has been offered employment is authorized to work in the United States. If the company receives a tentative non-confirmation issued by the Social Security Administration (SSA) or the Department of Homeland Security (DHS) indicating the information entered in E-Verify does not match federal records, we will comply with the required employee notification procedures under any memorandum of understanding governing the use of the E-Verify system. We will furnish to the employee any notification issued by SSA or DHS containing information specific to the employee’s E-Verify case or any tentative non-confirmation notice. Unless required by federal law or as a condition of receiving federal funds, La Tapatia will not use E-Verify to check the employment authorization status of an existing employee or an applicant who has not been offered employment.

### **Employee Relations**

La Tapatia believes that the work conditions, wages, and benefits it offers its employees are competitive with those offered by other employers in this area and in the industry at large. If employees have concerns about their working conditions or compensation they are strongly encouraged to voice their concerns openly and directly to a member of management.

Our experience has shown that when employees deal openly and directly with management the work environment can be excellent, communications are clear and attitudes can be positive. We believe that La Tapatia fully demonstrates its commitment to its employees by responding effectively to employee concerns.

# WORKING CONDITIONS

## **Job Duties**

Job responsibilities and performance standards will be explained at the time of hire. You are referred to your applicable job description for further details about your position.

Job descriptions are meant only to describe the general nature of work. Job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects or to assist with other work necessary or important to your department or the company. A supervisor may alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

Most new employees will be trained during the day shift, and may then be transferred to any shift in which there is an opening.

## **Classification of Employees**

Full-time employees are those who are regularly scheduled to work no less than 40 hours per workweek. Full-time employees are paid on either an hourly or salary basis.

Part-time employees are those who are scheduled to work less than 40 hours per week. Part-time employees are generally paid on an hourly basis. Part-time employees may not be eligible for any or some benefits. If you have questions regarding your eligibility for particular benefits, see the HR Manager. The conditions of eligibility for benefits are set forth in the particular plan documents for each benefit.

Special project employees are those employees hired to perform a special job task or work for a limited time period. An example of a special project employee is a student, hired to perform services during the summer months. Special project employees may not be eligible for any or some benefits. If you have questions regarding your eligibility for particular benefits, see the HR Manager. The conditions of eligibility for benefits are set forth in the particular plan documents for each benefit.

Freelance workers are not employees. A freelance worker is a person or organization composed of one person hired as an independent contractor to provide professional services for at least \$250. Professional services include marketing, HR, graphic designers, artists, photographers and others. Freelance workers are not eligible for any employee benefits of any kind. They are compensated in accordance with their written contract which will include a list of services provided and the rate, method and amount of compensation.

## **Workday and Workweek**

A workday is defined as any consecutive 24-hour period beginning at the same time each calendar day. The workday begins at 12:01am.

A workweek is a fixed and regularly recurring period of 7 consecutive 24-hour periods. The workweek begins at 12:01am on Monday and concludes at 12:00 midnight on Sunday.

## **One Day of Rest in Seven**

Non-exempt employees are entitled to one day's rest in seven, unless total hours in the workweek do not exceed 30 hours and the employee has not worked more than six hours in any workday. The days of rest need not come each workweek. Rather, on average an employee is entitled to one day of rest for every seven days in the calendar month. An employee can choose, however, to forgo the day of rest. Employees will be requested to confirm in writing that they know their right to rest but choose to work a seventh day.

## **Work Hours and Attendance**

Your work hours will be scheduled according to the needs of the company and your department, taking into consideration the availability you indicated during the hiring process. We will attempt to accommodate requests for schedule or shift changes when possible. Accommodation may require transfer to a different position or department. La Tapatia may require you to provide verification of the need to change your shift, such as a copy of a school schedule.

You are expected to be at your work area on time and working in accordance with your work schedule. In an organization such as ours, the timely and efficient production of work depends on each employee. If one person is late in arriving, the quality of our services may be impaired. Thus, while occasional, infrequent emergencies are to be expected, repeated or frequent tardiness cannot be permitted.

Absenteeism and tardiness will ultimately affect your employment at La Tapatia, and may result in termination of employment, regardless of cause. If you are unable to report on time for any reason, you must inform your supervisor of your absence or tardiness as early as possible, preferably with three hours' notice.

Planned absences must be arranged in advance. When time off from work is required, you should request permission from your supervisor with as much notice as possible. Time off may be approved subject to La Tapatia policies and the needs of your department. **You are required to use accrued vacation for all absences, unless you elect to use paid sick leave for time off relating to an illness, injury or medical appointment. (Employees on pregnancy disability leave may elect to use accrued vacation.) Unpaid time off will only be permitted if all available vacation and sick leave have been used.**

If you are absent without approval for two or more days and have not contacted your supervisor or the HR Manager, La Tapatia will assume that you have voluntarily terminated your employment.

Attendance and other records related to hours worked and wages paid are kept for a period of three years. These records are available for your review during normal office hours by scheduling a time to review them with the HR Department.

## **Time Keeping**

All employees are required to record hours worked using our biometric time clock. For those employees paid on an hourly basis, this creates a record of the hours you work and for which you will be paid. All

employees, however, whether or not paid on an hourly basis, must record hours worked. Deviations from normal work hours must be noted.

You are responsible for accurately recording your time worked. La Tapatia will pay you for all hours accurately recorded. This includes time in and out, meal periods and overtime. Do not work off the clock. While La Tapatia does not require employees to record rest periods, you must take them as set forth in this handbook. Failure to take appropriate meal and rest periods may result in discipline, including termination.

If you fail to accurately clock in and out, your paycheck may not include compensation for all hours worked since the company won't have a record of it. Moreover, La Tapatia cannot monitor all employees and determine when they are working and whether they have clocked in. It is your responsibility to clock in and to accurately maintain your time records.

## **Overtime**

Only non-exempt employees are eligible for overtime compensation. Please refer to your job description to determine whether you are a non-exempt employee. Exempt employees are not eligible for overtime compensation. They are paid on a salary basis and are in executive, administrative or professional positions.

Non-exempt employees will be paid overtime compensation as follows:

1. Work in excess of eight hours in a workday and work in excess of 40 hours in any workweek and the first eight hours worked on the seventh consecutive day of work in any workweek will be paid at one and one-half times the regular rate of pay.
2. Any work in excess of 12 hours in a workday or in excess of eight hours on the seventh consecutive day of work in a workweek will be paid at twice the regular rate of pay.

Hours worked means time actually spent on the job. It includes all time when you are subject to the company's control or direction, and when you are performing duties we know about and authorize. It does not include hours away from work due to vacation, sickness or holiday even when these days are compensated.

## **Reporting Time**

If an employee arrives at work as scheduled, and is not put to work or is furnished with less than one half of his/her regularly scheduled hours, the employee will be paid up to for half the usual or scheduled day's work, for a minimum of two hours and a maximum of four hours, at his or her regular rate of pay. Reporting time pay is not counted as hours worked for the purposes of overtime calculation.

Exceptions to the requirement for reporting time pay include:

- When operations cannot begin or continue due to threats to employees or property, or when civil authorities recommend that work not begin or continue.
- When public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system.

- When the interruption of work is caused by an Act of God or other cause not within the employer's control, for example, an earthquake.

## **Pay Day**

All employees are paid every other Friday. If a pay day falls on a holiday, checks will be available on the following business day.

La Tapatia will not allow anyone other than the person to whom the check is written to pick up a paycheck, unless the employee provides written authorization to the Payroll Specialist in advance.

## **Paychecks**

Each pay day La Tapatia will pay you with a check. You will receive an itemized statement of earnings, typically referred to as a “paycheck stub.” The statement will show, for the pay period, gross wages earned, total hours worked (except for employees exempt from overtime and minimum wage pursuant to California law), all deductions, net wages earned, the dates of the pay period, your name and part of your social security number, the name and address of the business, and the applicable hourly rate. We will also provide you with the state mandated paid sick leave benefits you have accrued either on the paycheck stub or a separate document distributed with your paycheck. Please assure that all personal information is true and correct. If changes need to be made, please contact your supervisor.

La Tapatia processes the payroll for each employee. Processing payroll requires the company to make many calculations for each employee, and it is possible that an error may occur. For this reason, we ask that you carefully review each paycheck stub for accuracy. If you have any questions, or if there is an error, please bring it to our attention immediately. No employee will suffer adverse action because (s)he expressed or made a written or oral inquiry or complaint regarding wages.

Your paycheck will be subject to payroll deductions. This will include federal and state income taxes which La Tapatia is required to withhold, payroll taxes such as social security, and any other deductions which you have authorized for your benefit. For example, you may be responsible for paying part of an insurance premium. A deduction from your paycheck may be made if an overpayment arises from the previous pay period.

Before La Tapatia makes any deductions, you will be required to sign an authorization. If the amounts of the deductions change (such as for health care premiums), you will be required to sign a new authorization form.

## **Pay Notice**

At the time of hiring, La Tapatia will provide you with a written notice containing the following information:

- Your rate or rates of pay and whether paid by the hour, shift, day, week, salary, piece, commission, or other basis, including overtime rates;
- Allowances such as meal or lodging, if any, as part of the minimum wage;



- Our regular payday;
- Our company name, including any dba;
- The physical address of our main office or principal place of business, and any mailing address;
- Our telephone number(s);
- The name, address, and telephone number of La Tapatia's workers' compensation insurance carrier;
- The method by which employees are provided with state-mandated paid sick leave; and
- Notice regarding any federal or state emergency or disaster declaration applicable to the county or counties where you will work issued within 30 days before your first day of employment and that may affect your health and safety during employment.

## **Payroll Records**

La Tapatia will keep payroll records showing hours worked daily and wages paid to each employee at 104 E. Belmont Avenue, in Fresno, California. These records will be kept for at least three years. You may also keep a personal record of hours worked. If your record differs from the information La Tapatia provides you on your paycheck, contact the Payroll Specialist immediately. We will make records available to an employee within 21 days of a request for payroll records.

## **Meetings and Training Courses**

You will be paid for all hours spent attending meetings or training courses unless the meetings are outside your regular working hours, attendance is voluntary, the program is not directly related to your job, and you do not perform any productive work.

All supervisory employees must participate in two hours of classroom or other effective interactive training and education regarding sexual harassment. Non-supervisors must participate in one hour of training on sexual harassment. Training must take place within six months of the employee assuming the position. Training will be repeated every two years. This training will include information regarding the prohibition against and the prevention and correction of sexual harassment, and the remedies available to victims of sexual harassment in employment.

Employees are not required to attend meetings or read communications from La Tapatia on religious or political matters. Religious matters include religious affiliation and practices and the decision to join or support a religious organization. Political matters relate to elections, political parties, legislation, regulations and whether to join a political party, political organization or labor organization. Any employee who decides not to attend a political or religious meeting will be paid for the time the meeting is being held.

## **Travel Time**

On occasion, non-exempt employees will be required to travel during the course of a workday, or to meetings or training courses. Whether or not travel time constitutes hours worked will depend on the kind

of travel involved. Travel between our facilities and a meeting location during the workday will be counted as hours worked. However, time spent traveling directly between your home and the work site or meeting location is not considered hours worked.

Travel, whether by driving or other mode of transport, which keeps you away from home overnight is considered hours worked. Travel time does not include time spent at a hotel; time spent after the meeting/project is completed for the workday; time spent during meal breaks; or time spent on purely personal pursuits such as sightseeing and visiting family or friends. Non-exempt employees are required to accurately record their travel and work hours in these situations.

Time spent by exempt employees on traveling related to the performance of their job duties is included in the employee's salary, and no additional compensation will be paid for travel time.

### **Off Duty Activities**

Participation in any off-duty recreational, social or athletic activity offered by the company is strictly voluntary.

### **Extraordinary Compensation**

Extraordinary compensation may occasionally be given to employees. Extraordinary compensation may be awarded on such factors as job performance and individual merit, or the profitability of La Tapatia. All extraordinary compensation is given at the sole discretion of the company.

### **Performance Evaluations**

Employees receive performance evaluations approximately every 12 months of employment. A break in service may delay the scheduling of your evaluation and eligibility for a pay increase. The frequencies of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring performance problems.

Your performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude and your attitude toward others. The performance evaluations should help you become aware of your progress, areas for improvement and objectives or goals for future work performance. Positive performance evaluations do not guarantee increases in salary, promotions, or continued employment. Salary increases and promotions are solely within the discretion of La Tapatia and depend upon many factors in addition to performance. After the review you will be required to sign the evaluation report to acknowledge that it has been presented to you and discussed with you, and that you are aware of its contents.

### **Meal Periods**

La Tapatia will make a 30 minute unpaid and uninterrupted meal period available to each employee who works at least a five-hour shift. We encourage employees to take a meal period to relax or to take care of

personal matters. Employees will be relieved of all duty during the meal period and are not required to remain on the premises. If La Tapatia concurs, you may waive your meal period if your work period is no more than six hours in the workday. If you work 10 hours in a workday, you are entitled to a second unpaid meal period of 30 minutes. You cannot waive the second meal period unless the company concurs and you have not waived your first meal period. Meal periods may be arranged around work requirements, but should be taken before you have completed five hours of work.

If, due to the press of business or for other reasons, you feel as though you cannot take a meal period, contact a supervisor or the HR Manager. By coordinating schedules we can assure that everyone can take a meal period. An employee's failure to record meal periods properly may result in disciplinary action.

An on-duty meal period will be permitted only when the nature of the work prevents an employee from being relieved of all duty and when the employee and La Tapatia agree in writing. The agreement will state that the employee can, in writing, revoke the agreement at any time.

### **Rest Periods**

La Tapatia encourages that all employees take rest periods, which shall be insofar as practicable in the middle of each work period. Employees are given 10 minutes of rest per four hours of work performed. Employees will be relieved of all duty during the rest period, and are permitted to leave the worksite. They are not required to carry phones or other electronic devices during a rest period.

La Tapatia will try to permit rest periods in the middle of each work period unless practical considerations render it infeasible. We will not let employees aggregate rest periods and take them all at once. Employees may need to coordinate schedules so that everyone can take a rest period. If, due to the press of business or for other reasons, you feel as though you cannot take a rest period, contact a supervisor or the HR Manager.

An employee is entitled to take rest periods based on the number of hours worked:

<u>Hours Worked</u>	<u>Rest Periods Allowed</u>
0 – 3.4 hours	0
3.5 – 6 hours	1
6.1 – 10 hours	2
10.1 – 14 hours	3
14.1 – 18 hours	4

### **On Call Time**

On occasion, a non-exempt employee may be asked to be on-call after normal business hours. An employee will be paid for all work performed while on call. However, not all time spent on-call is compensable work time. Therefore, unless La Tapatia places excessive limitations on your activities, calls are restrictively frequent, or other circumstances restrict your activities while on-call, the time spent will not be considered hours worked.

### **Recovery Period**

La Tapatia will provide shade for employees when the outside temperature exceeds 80 degrees. Shade will also be provided upon request. We encourage employees to take a cool down rest in the shade for a period of no less than five minutes when they feel the need to do so to protect themselves from overheating. Employees working in indoor areas are also encouraged to take a cool-down rest to prevent heat illness when needed. The recovery period must be taken in an area approved by the company. Recovery periods are counted as hours worked.

Please refer to our Injury & Illness Prevention Plan for additional information about the prevention and treatment of heat illness.

## **Reductions In Force**

While La Tapatia hopes to continue growing and providing employment opportunities, business conditions, customer demand, and other factors are unpredictable. Changes or downturns in any of these or other areas could create a need to restructure or reduce the number of people employed. In light of these uncertainties, employees are advised that it may become necessary to conduct layoffs at some point in the future.

In the event that La Tapatia determines layoffs are necessary, we will give appropriate notice to affected employees as required by law. The company retains full discretion to select which employee(s) will be affected.

## **Lactation Accommodation**

If you would like to express breast milk for your infant child while at work, please submit a request for accommodation to your supervisor or the HR Manager. We will make reasonable efforts to accommodate your need insofar as practicable. We will provide a similar accommodation as we would for another employee temporarily disabled by a medical condition. The accommodation may include extended break periods and the use of a lactation room or other location, other than a bathroom, that is safe, clean and contains a charging outlet and surface area for personal items where milk can be expressed in private. You will also be provided access to a sink and refrigerator in close proximity to your work area.

This break time will be required to run concurrently, if possible, with any break time already provided. In the event that it is not possible for the break time for expressing milk to run concurrently with break time already provided, the break time for expressing milk shall be unpaid.

## **Employee Conduct**

La Tapatia requires all employees to conduct themselves in a professional manner at all times. Below is a partial list of activities for which an employee may be disciplined.

- Engaging in acts of dishonesty, fraud, or sabotage.
- Theft of any kind; whether it involves money, product, time, gas, paper, etc.
- Insubordination, refusal to comply with instructions, or failure to perform assigned duties.
- A pattern of unreliable or inconsistent attendance, including but not limited to excessive absences, tardiness, leaving work early or incidents of “no/show or no/call.”

- Unauthorized use or misuse of company time, material, property, vehicles or equipment for any reason.
- Unauthorized use of personal or company cell phone, while on duty, particularly while in production or while driving a vehicle on behalf of the company, for any reason.
- Damaging or destroying company property due to careless or willful acts.
- Falsifying a report, timecard, personnel document, or other document such as a leave slip or overtime report, or providing false information to any supervisor or manager, at any time.
- Failure to maintain confidential or trade secret information.
- Unauthorized operation, repair, or attempt to repair machinery, tools, or equipment.
- Negligence in observing safety rules to include all traffic laws, failing to wear proper safety gear, misuse of forklifts, machines, vehicles, failing to complete inspection reports and misuse of chemicals, failure to apply fire prevention techniques and other preventative measures.
- Working while under the influence of alcohol, drugs, or other substances that impact the ability to work safely, or possession of any prohibited substances on company premises.
- Possession of weapons, explosives, or other items which may harm or cause damage to person or property.
- Fighting, horseplay, bullying or other conduct which may endanger the wellbeing of any employee, client or associate on company premises or service areas.
- Harassment of any kind, threatening, intimidating, coercing, using abusive or vulgar or suggestive language, viewing pornography or engaging in any other behavior/activity which may interfere with the performance of others.
- Other behavior or conduct that La Tapatia Management determines reflects poorly on the company, its employees, or clients.

The foregoing is not all-inclusive, but only serves as examples of conduct that will not be tolerated. Moreover, La Tapatia reserves the right to terminate the employment of any employee at any time, with or without notice or reason.

## TIME OFF

### **Paid Vacation**

Full-time employees are eligible to accrue paid vacation benefits after completing six months of full-time employment. No vacation time is accrued during an employee's first six months. You will not accrue vacation benefits if you are on a leave of absence or are suspended.

Full-time employees accrue paid vacation as follows:

Length of Service	Vacation Accrual Per Pay Period	Annual Vacation Accrual	Maximum Vacation Accrual
0 – 6 months	No Accrual	N/A	N/A
6 months – 4 years	1.54 hours	40 hours (5 days)	60 hours (7.5 days)
5 – 9 years	3.08 hours	80 hours (10 days)	120 hours (15 days)
10 years or more	4.62 hours	120 hours (15 days)	180 hours (22.5 days)

Part-time employees will accrue paid vacation equivalent to the number of hours they are regularly scheduled to work in a workweek. For example, an employee who works 24 hours per week will accrue 24 hours of vacation in a year.

The number of vacation days you may accumulate must not exceed 1.5 times the maximum number of days for which you are eligible in the year, as shown in the table above. Once you have accrued the maximum annual vacation days, you cannot accrue additional paid vacation benefits until you begin using your accrued unused vacation.

You may receive pay instead of time off only in limited circumstances at the discretion of the company, or when your employment with us terminates. If an exempt employee is absent from work for personal reasons for a period of 4 hours or more, La Tapatia will deduct accrued vacation time.

If you become ill during your vacation, you will not be able to count those vacation days as sick days. However, your supervisor may reschedule your vacation, at his/her sole discretion.

Vacation requests must be submitted at least 14 days in advance and may be approved based in part on La Tapatia's operational needs and the requests for vacation and leaves of absence of other employees. Your supervisor must approve all vacation requests in advance. Please do not make unchangeable travel plans, such as purchasing an airline ticket, until you have received verification that your request is approved.

## **State Mandated Paid Sick Leave**

In compliance with California's Health Workplaces, Healthy Families Act, all employees are entitled to state-mandated paid sick leave ("PSL"). Employees will be awarded PSL on an annual basis.

Current employees are awarded 40 hours of PSL at the beginning of each year. For purposes of this policy, the term "year" is defined as each 365-day period beginning January 1<sup>st</sup>. Employees who are hired mid-year will be awarded 40 hours of PSL on the date of hire. New employees are entitled to use PSL beginning on the 90<sup>th</sup> day of employment.

Each year on December 31<sup>st</sup> all unused PSL will expire and current employees will be awarded 40 hours on January 1<sup>st</sup>. This annual cycle of expiration and award of PSL will continue based on the calendar year.

Upon an oral or written request, an employee may use PSL for the diagnosis, care or treatment of an existing condition, or preventive care, for the employee or for a family member. PSL can also be taken by an employee who is a victim of a qualifying act of violence such as domestic violence, sexual assault, or stalking. The employee should provide notice of the need for leave as soon as practicable, and in advance if foreseeable. Family members include a child (biological, adopted, foster, step), legal ward, child to whom the employee stands in loco parentis; parent (biological, adoptive, step), legal guardian of employee or employee's spouse or registered domestic partner, person who stood in loco parentis when employee was a minor; spouse; registered domestic partner; grandparent; grandchild; sibling; and a designated person. An employee may designate one person per 12-month period.

Employees must use PSL in at least two-hour increments. PSL will be paid at the employee's regular rate of pay.

Unused PSL will not carry over from one year to another, nor will it be paid to the employee at the separation of employment.

La Tapatia will maintain records documenting hours worked and PSL awarded and used. We will make them available within 21 days upon request.

If you have been absent for a period of five days or more due to an illness, injury or disability, La Tapatia will require medical certification of your ability to return to your position and duties. You may be asked to provide a physician's statement that verifies the illness, injury or disability, its beginning and ending dates, and/or your ability to return to work without endangering your own health and safety or the health and safety of others. When requested, such verifications and releases may be a condition of returning to work.

## **Holidays**

La Tapatia may be closed in observance of certain holidays such as New Year's Day, Thanksgiving, and Christmas. These days will be unpaid, and non-exempt employees may elect to use accrued vacation time to replace any missed hours.

## California Family and Medical Leave

Provided an employee has worked more than 12 months with La Tapatia, and has provided at least 1,250 hours of service within the last 12-month period, the employee is eligible for a leave of absence under this policy. An eligible employee may take an unpaid leave pursuant to the California Family Rights Act (“CFRA Leave”) due to:

- The birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee;
- To care for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, domestic partner or a designated person who has a serious health condition;
- Because of an employee’s own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions; and
- Because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee’s spouse, domestic partner, child, or parent in the Armed Forces of the United States (as specified in Section 3302.2 of the Unemployment Insurance Code).

When approving CFRA Leave, we will guarantee employment in the same or a comparable position upon the termination of the leave. During CFRA Leave, the employee will retain employment status. CFRA Leave is not a break in service for any purpose.

Generally, an employee’s CFRA Leave will run concurrently with leave taken under the FMLA, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions. The total amount of CFRA Leave and FMLA Leave, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions, is 12 workweeks in a 12-month period. In addition to the CFRA Leave, an employee is entitled to Pregnancy Disability Leave, if the employee is otherwise qualified for that leave.

### Vacation and Sick Leave

La Tapatia will require the employee to use all available vacation time during an otherwise unpaid portion of the CFRA Leave. The employee may also elect to take Paid Sick Leave (PSL.) All time off will count toward the employee’s maximum CFRA Leave total.

If the employee is receiving benefit payments through the State Disability Insurance (SDI) or Paid Family Leave (PFL) programs, the leave is not considered unpaid and the company will not require the use of accrued vacation. **The employee is responsible for notifying the HR Manager that he/she has started a claim for SDI or PFL benefits, so that vacation pay-outs can be stopped or adjusted.** The company may require the use of vacation during the 7-day waiting period before SDI payments begin.

### Continuation of Benefits

During the employee’s absence for CFRA Leave (or FMLA Leave), the company will maintain coverage under its group health plans for the duration of the leave, not to exceed 12 workweeks in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee were working. The company will require the employee to pay premiums, at the group rate.



If the employee fails to return from CFRA Leave after the period of leave has expired and the employee's failure to return is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to CFRA Leave or other circumstances beyond the control of the employee, the company may recover the premium that it paid as required for maintaining coverage under the group health plans.

An employee taking CFRA Leave is entitled to participate in health plans for any period when the company does not provide coverage (such as beyond the 12-week period); and other employee welfare benefit plans including life insurance, short-term or long-term disability, accident insurance; pension and retirement plans and supplemental unemployment benefit plans *on the same conditions and terms as an employee on an unpaid leave for any purpose*. The employee will be required to pay premiums, at the group rate, as a condition of continued coverage.

The nonpayment of premiums by an employee does not constitute a break in service.

To the extent it is consistent with the plan terms for any retirement plan or pension, the company will not make plan payments for an employee during the CFRA Leave, and the CFRA Leave will not be counted for purposes of time accrued under the plan. An employee covered by a pension plan may continue to make contributions in accordance with the terms of the plan during a CFRA Leave.

#### Notice

An employee must provide reasonable advance notice of the need for CFRA Leave if it is foreseeable. If the employee's need for CFRA Leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision to avoid disruption to our operations, subject to the approval of the health care provider of the individual requiring the treatment or supervision.

#### Certification

La Tapatia will require that an employee's request for leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care. Certification should include all of the following information:

- The date on which the serious health condition commenced;
- The probable duration of the condition;
- An estimate of the amount of time that the health care provider believes the employee needs to care for the individual; and
- A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision.

If the estimate of time for the employee to care for the individual expires, we will require the employee to obtain recertification if additional CFRA Leave is required.

We will require that an employee's request for leave because of the employee's own serious health condition be supported by a certification issued by the employee's health care provider. Certification should include:

- The date on which the serious health condition commenced;
- The probable duration of the condition; and

- A statement that, due to the serious health condition, the employee is unable to perform the function of the employee's position.

We will require that the employee obtain recertification regarding the employee's serious health condition if additional CFRA Leave is required.

If the company has reason to doubt the validity of the certification provided by the employee due to the employee's own serious health condition, we may require, at the company's expense, that the employee obtain the opinion of a second health care provider, designated by the company. If the second opinion differs from the opinion in the original certification, we may require, at our expense, that the employee obtain the opinion of a third health care provider, approved jointly by the company and the employee. The opinion of the third health care provider shall be considered final and binding. La Tapatia is not required to present contrary medical evidence before contesting a doctor's certification of a serious health condition. The company may terminate employment if it has reasonable belief to contest your certification.

### Return to Work

Consistent with the company's standard practice, we will request, as a condition of a return from CFRA Leave taken due to the employee's own serious health condition, certification from the employee's health care provider that the employee is able to resume work.

### Definitions

- "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.
- "Designated person" means an individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee may designate one person per 12-month period.
- "Domestic partner" is defined in Section 297 of the Family Code.
- "Employment in the same or a comparable position" means employment in a position that has the same or similar duties and pay that can be performed at the same or similar geographic location as the position held prior to the leave.
- "Grandchild" means a child of the employee's child.
- "Grandparent" means a parent of the employee's parent.
- "Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.
- "Parent-in-law" means the parent of a spouse or domestic partner.
- "Sibling" means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.
- "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either of the following:
  - Inpatient care in a hospital, hospice, or residential health care facility; or
  - Continuing treatment or continuing supervision by a health care provider.

## **Federal Family and Medical Leave**

An eligible employee may take a Family and Medical Leave of Absence pursuant to the federal Family and Medical Leave Act ("FMLA") due to:

1. The birth or adoption of a child;

2. the placement of a foster child with the employee;
3. the need to care for a child, spouse (or registered domestic partner) or parent with a serious health condition; or
4. the employee's own serious health condition.

"Serious health condition" is defined as an illness, injury, impairment, physical or mental condition that involves inpatient care or continuing treatment or supervision by a health care provider. If your own serious health condition is related to pregnancy, childbirth or a related medical condition, you may also be eligible for a leave pursuant to the Pregnancy Disability Leave law ("PDL"). Typically, an FMLA leave runs concurrently with a PDL leave. Leave due to the birth or adoption of a child, or the placement of a foster child, must be taken within the 12-month period following birth, adoption or placement.

An eligible employee may be permitted to take time off to care for a child even if that child is an adult provided the following conditions have been met: (1) the adult child must have a disability; (2) the adult child must be incapable of self-care due to the disability; (3) the adult child must have a serious health condition; and (4) the employee-parent must be needed to care for the adult child due to the serious health condition.

To be eligible for Family and Medical leave, you must:

1. Have been a La Tapatia employee for at least 12 months prior to the date the leave begins; and
2. Have provided at least 1,250 hours of service during the 12-month period preceding the leave.
3. Work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

A break in service of seven years or more will not be counted in determining whether the employee has been employed for at least 12 months, except for a break in service caused by a military service obligation. The 12-month period may include part of the leave of absence. In that case, FMLA would start after the leave commenced. The reporting worksite will typically be the assigned location for an employee without a fixed worksite.

Your eligibility must be verified. We encourage you not to make plans, such as scheduling surgery or purchasing non-refundable air tickets, unless you have received, in writing, verification from the HR Manager that you are eligible to take a family and medical leave.

An eligible employee may also use the 12-week leave entitlement for a qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty, or has been notified of an impending call or order to active duty in the Armed Forces, the Reserves or the National Guard in support of a contingency operation. Qualifying exigencies include attending military events and related activities, arranging for alternative childcare or school activities, addressing certain financial and legal arrangements, attending counseling sessions, taking part in rest and recuperation (limited to 15 days), and attending post-deployment activities within 90 days of the end of the military member's covered active duty. Covered active duty is defined for members of a regular component of the Armed Forces, as duty during deployment to a foreign country; for members of a reserve component, it is defined as duty during deployment to a foreign country under a call or order to active duty.

With the exceptions stated in the next paragraph, an eligible employee is entitled to no more than 12 workweeks (60 working days) of unpaid leave within a 12-month period. The 12-month period is calculated from the first day the Family and Medical Leave of Absence is taken. If both parents work for La Tapatia, they will be unable to take more than 12 weeks of combined leave in connection with the birth, adoption, or foster care of a child.

An eligible employee who is a spouse, son, daughter, parent, or next of kin may take up to 26 workweeks of unpaid leave to care for a member of the Armed Forces, National Guard or Reserves, or a veteran who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness sustained in the line of duty on active duty.

The service member must have been a member of the Armed Forces at any time during the five-year period preceding the date of the treatment, recuperation or therapy. This leave may be taken once per injury, and it is available only while the service member is in the military.

An eligible employee may also take leave to care for a parent who is incapable of self-care and is the military member's biological, adoptive, step, or foster parent, or any other person who stood in loco parentis to the military member when the member was under 18 years of age.

You must give 30 days' notice where the leave is foreseeable. Otherwise, you must notify La Tapatia as soon as practicable of the need for Family and Medical Leave of Absence. You must also provide La Tapatia with sufficient information for us to determine if the leave may qualify as Family and Medical Leave as well as the anticipated timing and duration of the leave.

#### Continuation of Benefits

During your absence under the Family and Medical Leave of Absence policy, La Tapatia will continue to maintain coverage under its health care policies to the same extent as if you were not on leave. If a health care policy requires an employee contribution, you remain responsible for all payments during the leave of absence. You will be given advance written notice of the terms and conditions under which premium payments must be made. We may cancel your health care benefits if you are more than 30 days late in paying your premium. You will be given 15 days' written notice of the intent to cancel coverage due to non-payment.

If you fail to return to work after the leave of absence, you will be required to repay La Tapatia for premiums it paid on your behalf. If a key employee is notified that La Tapatia can't reinstate the employee due to substantial and grievous economic injury, we will not attempt to recover the costs of health care premiums.

The leave period may not be counted for purposes of time accrued under La Tapatia's retirement plans.

You will not earn paid vacation or holiday pay during your family leave. Additionally, unpaid FMLA leave will not be treated as credited service for purposes of benefit accrual, vesting dates and eligibility to participate.

If your leave is related to pregnancy disability, you may be able to continue your health care benefits for up to four months in a 12-month period. Please review the Pregnancy Disability Policy for more information on the continuation of benefits. Additionally, if you fail to return to work after the leave, La Tapatia may recover the premiums paid on your behalf.

An exempt employee's pay may be reduced due to an intermittent or reduced work schedule.

#### Vacation and Sick Leave

La Tapatia will require the employee to use all available vacation time during an otherwise unpaid portion of the FMLA Leave. The employee may also elect to take Paid Sick Leave (PSL.) All time off will count toward the employee's maximum FMLA Leave total.

If the employee is receiving benefit payments through the State Disability Insurance (SDI) or Paid Family Leave (PFL) programs, the leave is not considered unpaid and the company will not require the use of accrued vacation. **The employee is responsible for notifying the HR Manager that he/she has begun a claim for SDI or PFL benefits, so that vacation pay-outs can be stopped or adjusted.** The company may require the use of vacation during the 7-day waiting period before SDI payments begin.

#### Reinstatement

Generally, employees are entitled to a comparable position upon the termination of leave under the Family and Medical Leave of Absence policy. However, an employee has no greater right to reinstatement or to any benefits than if the employee had been continuously employed during the leave period. Moreover, La Tapatia is not required to reinstate an employee who is among the highest paid 10 percent of employees if necessary to prevent substantial and grievous economic injury to the company and if the employee is notified of the intent to refuse reinstatement.

The right of reinstatement exists even if the employee has been replaced or the position has been restructured to accommodate the employee's absence. If the employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license or similar reason, the employee will be given a reasonable opportunity to fulfill those conditions upon returning to work. La Tapatia may accommodate an employee's request to be restored to a different shift, schedule, position or location. La Tapatia will not require an employee to undergo a fitness-for-duty examination as a condition or an employee's return from FMLA leave unless it is job-related and consistent with business necessity.

We will engage in an interactive process if an employee is unable to return to work after a Family and Medical Leave of Absence.

#### Procedure for Requesting Family Care and Medical Leave

**Notice Requirements:** An employee must provide proper notice as a condition of eligibility for a leave, at which time the Human Resources department will inform you of your specific rights under the FMLA leave provisions. You must provide at least verbal notice sufficient to make us aware that you need FMLA leave, the date it will commence, and the anticipated duration of the leave. For events that are unforeseeable 30 days in advance, but are not emergencies, you must notify La Tapatia as soon as you learn of the need for the leave, ordinarily no later than one to two working days after you learn of the need

for the leave. If the leave is requested in connection with a planned, non-emergency medical treatment, La Tapatia may request you to reschedule the treatment so as to minimize disruption of business.

You may decline to use Family and Medical Leave for an absence that might otherwise qualify. For example, you might want to use only your vacation benefits, and not Family and Medical Leave. If you decline to use Family and Medical Leave for an absence, you will be required to return when your authorized leave ends. If you fail to return on time, you could be subject to discipline, including the termination of your employment.

If you fail to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, La Tapatia reserves the right to delay the taking of the leave until at least 30 days after the date you provide notice of the need for family care or medical leave.

All requests for family care or medical leave should include the anticipated date(s) and duration of the leave. It is expected that an employee will provide notice to La Tapatia of the need for a leave extension within no more than one or two working days of learning of the need for additional leave, except in extraordinary circumstances where such notice is not feasible.

**Medical Certification:** Any request for medical leave for your own serious health condition or for family care leave to care for a child, spouse, or parent with a serious health condition must be supported by medical certification from a health care provider. For foreseeable leaves, you must provide the required medical certification before the leave begins. When this is not possible, you must provide the required certification within 15 calendar days after our request for certification, unless it is not practicable under the circumstances to do so, despite your good faith efforts.

Failure to provide the required medical certification may result in the denial of foreseeable leaves until such certification is provided. In the case of unforeseeable leaves, failure to provide the required medical certification within 15 days of being requested to do so may result in a denial of your continued leave.

We will notify you in writing if we believe that the medical certification is incomplete or insufficient. You will have seven days to correct the problem.

If La Tapatia has reason to doubt the validity of your certification, we may require you to obtain a second opinion from a doctor of the company's choosing at our expense. If your health care provider and the doctor providing the second opinion do not agree, we may require a third opinion, also at our expense, performed by a mutually agreeable doctor who will make a final determination. The company is not required to present contrary medical evidence before contesting a doctor's certification of a serious health condition, and may terminate the employment if it has reasonable belief to contest your certification.

### **Pregnancy Disability**

La Tapatia wants to assist its employees who are pregnant to continue to work as long as they are able, and to take the appropriate amount of time off for the birth of the baby and for recovery. The company has adopted this policy to achieve these goals.

If you are disabled by pregnancy, childbirth, or related medical conditions, you are eligible to take no more than four months of unpaid leave. Four months means the number of days you would normally work within a four-month period, which is 17 ½ weeks. If your schedule varies month to month, a monthly average of hours worked over the four months prior to the beginning of the leave period will be used to calculate your normal work month. If you work a 40 hour per week shift, four months means 693 hours of leave entitlement (40 hours x 17 ½ weeks).

Leave can be taken in a block, as intermittent leave, or as a reduced work schedule. For example, you could take intermittent leave for medical appointments.

If you are unable to return to work at the conclusion of your leave, or if you have a condition related to pregnancy, childbirth or a related medical condition, whether before, during or after pregnancy, whether or not it rises to the level of a disability, La Tapatia may provide you with leave or another accommodation, as may be reasonable. You will be required to engage in an interactive process to determine appropriate reasonable accommodations. If an accommodation other than leave can be provided, we will provide that accommodation instead of leave.

We will treat employees disabled due to pregnancy like other employees temporarily disabled by a medical condition. You may also be able to transfer to a different position during the period of your disability if medically advisable and the transfer can be reasonably accommodated. If you are transferred to another position, you will retain your rate of pay and benefits. You will not be transferred over your objections unless your health care provider certifies that you need to take an intermittent leave or work a reduced schedule. In that case, La Tapatia may transfer you temporarily to an available alternate position. When the transfer is no longer medically advisable, we will return you to your original or comparable position.

You may be entitled to an accommodation if medically advisable and the accommodation is reasonable. La Tapatia will consider factors such as your needs, the duration of the requested accommodation, the cost to the organization, and available personnel to assist. We expect you to engage in a good faith interactive process to identify and implement a reasonable accommodation.

La Tapatia requires you to provide reasonable notice of the need for a reasonable accommodation, transfer or leave, including the anticipated time and duration of the accommodation, transfer or leave. This typically means at least 30-days' notice, unless the need was not foreseeable (such as due to an emergency).

La Tapatia also requires that you provide medical certification as a condition of providing an accommodation, transfer or leave. If foreseeable, we ask that you provide the notice and medical certification at least 30 days prior to the accommodation, transfer or leave. If the need is not foreseeable, we ask that you provide the certification within 15 days of our sending you the certification form. This form may arrive either via mail, email or personal delivery.

La Tapatia will also request that you provide medical certification of your ability to return to your position or duties following your leave or transfer.

Failure to timely provide notice of the need for an accommodation, transfer or leave could result in a delay of approval for the accommodation, transfer or leave. If you fail to provide notice or fail to provide

medical certification, approval for any accommodation, transfer or leave could be denied. Other consequences, including loss of employment, could result if you are not at work and you fail to communicate with the company.

We also ask that you make reasonable efforts to schedule appointments or treatments to minimize disruption to our operations and ability to provide the products and services our customers and clients expect. Of course, we recognize that appointments and treatments will be subject to the advice of your health care provider.

You may elect to use any available vacation time or state-mandated paid sick leave (PSL) you have available. This means that your pregnancy disability leave and paid benefit will run concurrently, and you will receive compensation during the absence. Your ability to substitute accrued paid leave is determined by the terms and conditions of La Tapatia's normal leave policies. All paid time off will count toward your maximum leave total.

During your leave, La Tapatia will continue to provide benefits, for up to a maximum of four months over a 12-month period, under our group health plan at the level and under the conditions that coverage would have been provided if you had continued in employment continuously for the duration of the leave. La Tapatia may recover the premium it paid on your behalf if you fail to return from leave and your failure to return is for a reason other than: (1) You are taking leave under the California Family Rights Act; (2) the continuation, recurrence or onset of a health condition that entitles you to take pregnancy disability leave; (3) non-pregnancy related medical conditions requiring further leave unless you chose not to return following the leave; (4) where you must care for yourself or for a family member; or (5) other circumstances beyond your control.

Before you start a leave or transfer, La Tapatia will provide you with a document setting forth the period of your leave or transfer, including scheduled return date. The document will also include a guarantee of reinstatement to your same position or duties, or to a comparable position, unless excused as set forth in this policy.

You are guaranteed the right to return to the same position or duties. However, you do not have any greater right to reinstatement than you would have had if you had been continuously working. For example, if you would not have been employed in the same position at the time of reinstatement for legitimate business reasons unrelated to your leave or transfer, La Tapatia is excused from returning you to that position.

In that case, you will be reinstated to a comparable position unless La Tapatia would not have offered you a comparable position had you been continuously at work or there is no comparable position available. A position is available if it is open on your scheduled date of reinstatement or within 60 calendar days for which you are qualified. We will provide you notice of available positions during the 60-day period.

In order to provide you with information regarding rights and responsibilities under the law, you will be provided with a notice entitled "Your Rights and Obligations as a Pregnant Employee." It is also available through the HR Department. Please ask if you have any questions. We want this wonderful time in your life to be as free from worry and concern as possible.



## **Bereavement Leave**

Employees who have been employed for at least 30 days may take up to five days of unpaid bereavement leave related to the death of a family member. You may elect to use accrued vacation or available sick leave.

Family members include spouse, child, parent, sibling, grandparent, grandchild, domestic partner or parent-in-law. The days off need not be taken consecutively but must be completed within three months of the date of death. You may be required to provide documentation of death.

## **Reproductive Loss Leave**

An employee who has been employed for at least 30 days may take up to five days of unpaid leave following a reproductive loss. If you experience multiple reproductive loss events within a 12-month period, you may be entitled to up to 20 days of leave. A “reproductive loss event” includes a miscarriage, stillbirth, failed surrogacy, failed adoption, or unsuccessful assisted reproduction.

You may elect to use accrued paid vacation or available paid sick leave. The days off need not be taken consecutively but must be completed within three months of the date of the reproductive loss event. You may elect, but will not be required, to provide documentation of the loss.

If, prior to or immediately following a reproductive loss event, you are on or you choose to take leave due to pregnancy disability, or for a qualified reason under the California Family Rights Act or any other leave entitlement under state or federal law, you must complete the reproductive loss leave within three months of the end date of the other leave.

La Tapatia will maintain the confidentiality of any information you provide, including the need for leave.

## **School Visits**

If you are the parent of a child or children enrolled in kindergarten through grade 12, or cared for by a licensed child care provider, you may take time off from work, up to 40 hours each year, not exceeding 8 hours in any calendar month, for certain child-related activities. These activities are: (1) to find, enroll, or reenroll a child in a school or with a licensed child care provider; (2) to participate in activities of the school or licensed child care provider; or (3) to address a child care provider or school emergency.

To take time off under reasons (1) or (2), the employee must give reasonable notice to your supervisor. To take time off under reason (3), the employee must simply give notice to your supervisor as soon as possible. You must use vacation time for the visits. If you are asked, you must provide documentation from the school or child care provider verifying the date and time of your child-related activity.

“Parent” means a parent, guardian, stepparent, foster parent, grandparent, or a person who stands in loco parentis to a child. “Child care provider or school emergency” means that the child cannot remain in school or with the child care provider because: (1) the school or child care provider has requested that the child be picked up; (2) the school or child care provider has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires the child be picked up; (3) behavioral or

discipline problems; (4) closure or unexpected unavailability of the school or child care provider (excluding planned holidays); or (5) a natural disaster including fire, earthquake, or flood.

If both parents of the child work for La Tapatia, the parent who first gives notice is eligible for the time off. The other parent may be permitted to take time off, under the conditions set forth in this policy, only if a supervisor authorizes the leave of absence.

If you are requested to appear in your child's school due to the child's suspension, you may take an unpaid leave of absence provided that you give La Tapatia reasonable notice of the request to appear.

### **Jury Duty, Witness Duty, and Victims of Violence**

La Tapatia is concerned about the welfare of its employees. We will not take adverse action against you because of your need for time off for the reasons described in this policy.

You may elect to use accrued vacation, paid sick leave, or other paid time off that is otherwise available to you. We may limit the total leave taken under this policy to 12 weeks. Employees are not entitled to exceed time off available under the CFRA or FMLA. Leave taken by you will run concurrently with leave taken under the CFRA and/or FMLA.

We will maintain the confidentiality of any employee requesting leave for the reasons identified below.

#### **Jury Duty**

If you receive a jury summons, you must inform your supervisor immediately. You will be allowed to take unpaid time off for each full or partial working day you serve on jury duty. (An exempt employee's salary will not be reduced unless the employee performs no work in the workweek.)

You must report to work on days or parts of days when you are not required to serve as a juror. If you do not return to work immediately after an approved leave for jury duty, we may assume that you voluntarily quit your job.

#### **Witness Duty**

Unpaid time off will be allowed if you are required by law to appear in court as a witness. We request that you give reasonable notice to your supervisor. You will be given paid time off if your appearance is related to La Tapatia business.

#### **Victims of Violence**

If you are a victim of a qualifying act of violence (see definitions below), you may take unpaid time off from work to obtain or attempt to obtain any relief, including a temporary restraining order, restraining order, or other injunctive relief, to help ensure your health, safety, or welfare or the health, safety, or welfare of your child. Reasonable advance notice should be provided to La Tapatia unless it is not feasible.

#### **Additional Leave Benefits**

Additional Benefits are available to you in the situations described in this section of the policy.

- You or a family member is a victim and took time off and provided reasonable advance notice to

La Tapatia unless advance notice was not feasible:

- To obtain or attempt to obtain any relief for yourself or the family member, including a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the family member of the victim.
- To seek, obtain, or assist a family member to seek or obtain, medical attention for or to recover from injuries caused by an act of violence.
- To seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of an act of violence.
- To seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of an act of violence.
- To participate in safety planning or take other actions to increase safety from future acts of violence.
- To relocate or engage in the process of securing a new residence due to an act of violence, including securing temporary or permanent housing or enrolling children in a new school or childcare.
- To provide care to a family member who is recovering from injuries caused by an act of violence.
- To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to an act of violence.
- To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to an act of violence. Leave in this case is limited to five days provided your family member who is a victim is not deceased as a result of the crime and you are not the victim.
- To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of an act of violence.

Total leave taken for the Additional Benefits cannot exceed 12 weeks. If your family member is a victim, is not deceased as a result of crime, and you are not a victim, we may limit the total leave taken for Additional Benefits to ten days.

### Certification

If an unscheduled absence occurs, La Tapatia will not take any adverse action against you if you, within a reasonable time after the absence, provide a certification for the absence. The certification can be:

- A police report indicating that you or a family member was a victim.
- A court order protecting or separating you or a family member from the perpetrator of an act of violence, or other evidence from a court or prosecuting attorney that you or a family member has appeared in court.
- Documentation from a licensed medical professional, domestic violence counselor, a sexual assault counselor, victim advocate, licensed health care provider, or counselor that you or a family member was undergoing treatment or seeking or receiving services directly related to an act of violence.
- Any other form of documentation that reasonably verifies that an act of violence occurred, including a written statement signed by you or your agent, certifying that the absence is related to that act of violence.

### Workplace Accommodations

If you inform La Tapatia that you or a family member is a victim of an act of violence, we will provide you with reasonable accommodations for your safety at work. These accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, permission to carry telephone at work, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or another act of violence that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement, or referral to a victim assistance organization.

We will engage in a timely, good faith, and interactive process with you to determine effective reasonable accommodations. We will consider an exigent circumstance or danger facing you or your family member. You may be required to provide a written statement signed by you or your agent certifying that the accommodation is for a purpose authorized under this subdivision. We may also request certification from you demonstrating your status, or your family member's status, as a victim. We may request additional certifications every six months.

Any communication, police or court record, or other documentation provided to La Tapatia identifying you or a family member as a victim will be maintained as confidential and will not be disclosed except as required by federal or state law or as necessary to protect your safety in the workplace. You will be given notice before any authorized disclosure.

If circumstances change and you need a new accommodation, please ask us. We will engage in a timely, good faith, and interactive process with you to determine effective reasonable accommodations. If you no longer need an accommodation, tell us. We will not take adverse action against you for requesting an accommodation.

### Definitions

The following definitions apply to this policy:

- Crimes include acts punishable by law whether any person is arrested for, prosecuted for, or convicted of, committing the crime.
- Domestic violence includes abuse perpetrated by a spouse or cohabitant, whether current or former, someone in or has been in a dating or engagement relationship, a person with whom the perpetrator has had a child, or a child of the perpetrator.
- Family member means a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, or designated person. Designated person is any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per 12-month period.
- Act of violence means any of the following, whether or not anyone is arrested for, prosecuted for, or convicted of committing any crime: Domestic violence; sexual assault; or stalking. It also includes any act, conduct, or pattern of conduct that causes bodily injury or death; an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual; or an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.
- Sexual assault means any nonconsensual sexual act including when the victim lacks capacity to

consent.

- Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for that person's safety or the safety of others or suffer substantial emotional distress.
- Victim advocate is an individual who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, or under the auspices or supervision of a court or a law enforcement or prosecution agency.
- Victim services organization or agency is an agency or organization that has a documented record of providing services to victims.

La Tapatia will inform employees in writing of their rights established under the applicable section of California law. The information shall be provided to new employees upon hire, to all employees annually, at any time upon request, and any time an employee informs us that the employee or a family member is a victim.

### **Voting Time**

If your work schedule would prevent you from voting on Election Day, La Tapatia will give you up to 2 hours paid time off to vote. You must present a voter's receipt before you will receive paid time off to vote. You may also take unpaid time off to serve as an election official. You must give your supervisor at least two days' advance notice that you will need time off to vote or to serve as an election official.

### **Organ and Bone Marrow Donation Leave of Absence**

Employees may be permitted a leave of absence with pay, not exceeding 30 business days for the purpose of organ donation and up to five business days for bone marrow donation in any one year period, as prescribed. The employee must provide written verification that (s)he is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

The employee will be required to use up to five days of accrued but unused vacation for bone marrow donation and up to two weeks of accrued vacation for organ donation. Accrued vacation or sick leave that is otherwise available may also be used for these purposes. During the period of leave under this policy, La Tapatia will maintain any group health benefits for which the employee is eligible.

La Tapatia shall grant an additional *unpaid* leave of absence, not exceeding 30 business days in a one-year period, to an employee who is an organ donor, for the purpose of donating the employee's organ to another person. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months.

Upon returning from this leave of absence, the employee shall be restored to the position held when the leave began or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. La Tapatia may decline to restore the employee to the same or equivalent position because of conditions unrelated to the leave of absence for organ or bone marrow donation.

### **Military Leave of Absence**

Generally, an employee returning from military leave is guaranteed reemployment and other rights as long as you comply with certain notification and other requirements. You are protected if you meet the following criteria:

- You gave notice that you were leaving the job for military service (unless military necessity or other exigent circumstances precluded the notice);
- The period of service was five years or less;
- You were not discharged from service under dishonorable or other punitive conditions; and
- You reported to your civilian job in a timely manner or submitted a timely application for reemployment.

In some cases, military leaves of absence beyond five years will be protected.

#### Return to Work

The period of time within which you must return to work after the completion of service depends on the duration of the military service. If you served less than 31 days, you are required to return to employment by the beginning of the first regularly scheduled work period after the completion of military service. You are, however, excused for the amount of time required to return home safely and for an eight-hour rest period.

If you served between 31 and 180 days, you must file an application for reemployment within 14 days after the completion of military service. If you served more than 180 days, you must file an application for reemployment no later than 90 days after the completion of military service. In all cases, if compliance with the time limits becomes impossible or unreasonable through no fault of your own, you will be given additional time. Furthermore, reporting and application deadlines are extended for up to two years for persons who are hospitalized or convalescing from a service-related illness or injury.

If you are returning from the armed services, you will be reemployed in the job that you would have attained if you had not been absent for military service. La Tapatia will provide training or other assistance to returning service members to help them refresh or upgrade their skills to qualify for reemployment.

#### Benefits

Service members and their families will continue to receive health benefits for 31 days. You and your family may continue health care coverage at their expense for up to 18 months. When returning from military leave you will resume health plan coverage without a waiting period or other exclusion.

The period of military duty will be counted as covered service for the purposes of retirement plan eligibility, vesting and benefit accrual. The company may not make plan contributions during a military leave. However, upon reemployment, La Tapatia will restart contributions, and make up contributions that would have been made during your absence. If you are required to contribute to the retirement plan, you will have up to three times the period of military duty or five years, whichever is first, to make the contributions.

### **Military Spouse Leave**

If you work an average of 20 or more hours per week and are married to a member of the Armed Forces, National Guard or Reserves deployed during a period of military conflict in an area designated as a combat theater or zone, you may take up to 10 unpaid days off as a “qualified leave period.” You must submit written documentation certifying the leave from deployment, within 2 business days of receiving official notice that the qualified member will be on leave. Qualified leave periods are defined as periods during which the soldier-spouses are on leave from deployment. You may elect to use any accrued unused vacation.

### **Emergency Service Volunteers**

Any employee who takes time off to perform emergency duty as a reserve peace officer, or emergency rescue personnel, volunteer firefighter, or a disaster medical response entity will not be discharged or discriminated against in the terms of their employment. An employee who is a health care provider must notify La Tapatia when (s)he becomes designated as an emergency rescue personnel and when (s)he is notified of deployment as a result of the designation.

Any employee who performs duty as a volunteer firefighter, a reserve peace officer, or as emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training.

### **Discretionary Leave of Absence**

La Tapatia recognizes that there may be times when additional time off may be requested beyond the benefits provided. In such cases, which may include times of personal problems or family emergencies, you may be provided with additional time off at the discretion of the company. If it becomes necessary to fill your position during a discretionary leave of absence, La Tapatia will make reasonable efforts to notify you to determine if you will return to work. If you are unwilling or unable to return, your position will be filled. If you elect not to return from a discretionary leave of absence, you will be considered to have voluntarily terminated employment with La Tapatia. All employees returning from a medical leave of absence must provide a physician’s statement that indicates you are released to return to work.

# BENEFITS

## **Health Care**

Employees who are regularly scheduled to work 30 or more hours per week and their dependents including spouses, children, registered domestic partners and children of the registered domestic partner may be eligible for coverage under La Tapatia's medical plan. Employees who work less than 30 hours per week are not eligible for the company's group insurance plans.

The official plan documents set forth the specific terms, conditions, and limitations regarding program eligibility and benefit entitlement. This handbook is not part of any official plan document of any benefit program, nor does it restate all of the features of the health care benefits program. Official plan documents should be consulted for further information regarding each benefit program. Questions and requests for copies of official plan documents should be directed to the HR Manager.

Leaves of absence may affect coverage under our group insurance plans. You will receive more information about insurance coverage when you have a qualifying reason for leave.

While it is our present intention to continue these benefits, we reserve the right to modify, curtail, reduce or eliminate any benefit, in whole or in part, either with or without notice. La Tapatia will give employees reasonable notice of modification, curtailment, reduction or elimination. Usually, this means we must provide notice within seven months of the change; however, in the event a benefit is eliminated, employees will be provided with immediate notice. Finally, neither the benefit programs nor their descriptions are intended to create any guarantees regarding employment or continued employment. As noted elsewhere in the handbook, employment relationships are for an indefinite term and are terminable at will, either at the option of the employee or the company.

## **Workers' Compensation**

La Tapatia maintains workers' compensation insurance coverage as required by law to protect employees who are injured on the job. This insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. If an injury occurs, notify your supervisor for directions to the nearest medical facility of an approved health care provider. You are required to immediately notify your supervisor of all work-related injuries or illnesses.

La Tapatia or its insurance carrier may not be liable for the payment of workers' compensation benefits for any injury which arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity which is not a part of your work-related duties. Any questions regarding workers' compensation should be addressed to the HR Manager.

## **State Disability Insurance**

Pursuant to the California Unemployment Insurance Code, disability insurance is payable when you cannot work because of illness or injury not caused by employment. If you are ill and cannot work, you may apply to receive State Disability (SDI) benefits that generally begin on the eighth day after you leave work. Benefits payable from the state under SDI may include approximately 70 to 90 percent of lost



wages. Compensation payments received through SDI may be supplemented by the use of your accumulated sick leave and/or vacation credits.

### **Paid Family Leave (PFL)**

California's Paid Family Leave (PFL) program does not provide an employee with a leave of absence. However, if you are entitled to a leave of absence under a state or federal law or by company policy, you may receive pay from the state for up to eight (8) weeks in a twelve (12) month period to care for a parent, spouse, child, domestic partner, child of a domestic partner, grandparent, grandchild, sibling, or parent in-law, or to bond with a child. You may also receive "PFL Military Assist" benefits if you need time off work to participate in a qualifying event because of the military deployment of your spouse, registered domestic partner, parent, or child to a foreign country. Eligibility for benefits is determined by the Employment Development Department (EDD).

For bonding, PFL is limited to the first year after the birth, adoption or foster care placement of a child. A separate certification must be completed for leave associated with bonding.

Benefits payable from the state under PFL may include approximately 70 to 90 percent of lost wages for employees who contribute to SDI. Employees collecting workers' compensation, unemployment or SDI are not eligible to collect PFL.

You are not required to use accrued vacation leave prior to accessing PFL benefits.

## HEALTH AND SAFETY

At La Tapatia, health and safety is a priority. We need your cooperation to keep our working environment both safe and productive. Please read the following section carefully.

### **Injury and Illness Prevention Program**

La Tapatia maintains an Injury and Illness Prevention Program (IIPP). You will receive training in order to enable you to safely perform your job duties. Employees are also required to participate in periodic training meetings.

The IIPP is available for your review during working hours. La Tapatia will provide access to the IIPP document within five business days of a request from an employee or designated representative. We will provide a printed copy of the program, unless the employee or designated representative agrees to receive an electronic copy. One printed copy of the Program shall be provided free of charge. If the employee or designated representative requests additional copies of the program within one year of the previous request and the program has not been updated with new information since the prior copy was provided, La Tapatia may charge reasonable, non-discriminatory reproduction costs.

If you have any questions related to health and safety, please refer to the IIPP. You may also speak with the General Manager or the Safety Director.

### **Reporting On-The-Job-Accidents**

All accidents or injuries that occur in the course of your employment must be reported to your supervisor and the Safety Director immediately, regardless of how minor the injury may appear.

### **Safety Suggestions**

In keeping with our goal of creating a safe and healthy working environment, La Tapatia welcomes any and all safety related employee suggestions, concerns and complaints. If you have a question or concern regarding the safety of your working environment, please discuss the matter with the Safety Director or the General Manager. Employees who wish to remain anonymous may submit a written report of the concern. La Tapatia will follow-up on all received suggestions and take corrective action when necessary.

### **Safety and Driving**

Safety is the first priority when driving. The following rules apply when driving on company business or traveling to or from home from company business, whether in your personal vehicle or in a company vehicle:

- Operate the vehicle safely. Observe all traffic laws and drive courteously. The way you drive reflects on you and the company.
- Wear your seat belt at all times while operating the vehicle.

- Report any accident, regardless of how minor, to your supervisor as soon as possible, and no later than the end of your shift.
- Do not carry unauthorized riders or passengers, including non-employees and/or others not specifically assigned to accompany the authorized driver.

La Tapatia will not allow any employee to drive a company vehicle for any reason, or a personal vehicle for work purposes, unless the company determines that the employee possesses a valid driver's license. This may require an employee to provide a copy of his/her license. The company may also ask the DMV to verify license status.

### **Safe Use of Cellular Phones**

Safety is the first priority when driving. You should avoid activities that distract you from driving. You must comply with the law if you use a cellular device in the car. The law states:

- A person shall not drive a motor vehicle while holding and operating a handheld wireless telephone or an electronic wireless communications device unless it is specifically designed and configured to allow voice-operated and hands-free operation, and it is used in that manner while driving.
- A handheld wireless telephone or electronic wireless communications device may be operated in a manner requiring the use of the driver's hand while the driver is operating the vehicle only if: (1) the handheld wireless telephone or electronic wireless communications device is mounted so as not to hinder the driver's view of the road; and (2) the driver's hand is used to activate or deactivate a feature or function of the handheld wireless telephone or electronic wireless communications device with the motion of a single swipe or tap of the driver's finger.

Other safe practices include:

- Pulling to the side of the road, or parking the vehicle if you are having difficulty concentrating.
- Discontinue the phone call if it is a complicated discussion, or distracts you from your driving; and
- Do not take notes while driving.

Employees may not use cell phones for calls or text messages while working on the production floor or operating forklifts and other work equipment/vehicles, even if a hands-free device is also used.

### **Anti-Substance Abuse Policy for All Employees**

La Tapatia is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when an employee illegally uses drugs or alcohol on the job; comes to work under their influence; or possesses, distributes or sells drugs in the work place. Every employee shares the responsibility for maintaining a safe work environment. Co-workers should encourage anyone who may be abusing alcohol or drugs, or working under their influence, to seek help.

We may provide an unpaid leave of absence or other assistance to those who may need it, while sending a clear message that the use of illegal drugs, alcohol or controlled substances that impair an employee's ability to safely perform his/her duties cannot be tolerated.

### **Policy Prohibiting Drug and Alcohol Abuse**

No employee may possess, sell, trade, buy, offer for sale or otherwise engage in the illegal use of drugs or alcohol on the job, or work while impaired. The enactment of Proposition 64 in California permitting the recreational use of marijuana does not in any way alter our policies prohibiting drug and alcohol abuse. While La Tapatia will not tolerate the behaviors listed above, we will not take adverse action against an employee based solely on the use of cannabis off the job and away from the workplace.

No employee may report to work under the influence of illegal drugs, alcohol, or other substances (such as prescription or over-the-counter medications, medical marijuana or recreational-use marijuana) that impair the employee's ability to safely and efficiently perform his or her job. When a "reasonable suspicion" exists that an employee is working under the influence of alcohol or other intoxicant, La Tapatia may require a drug or alcohol test. Reasonable suspicion may be determined on the basis of the employee's behavior, appearance, speech, and/or breath odor. La Tapatia will not screen for nonpsychoactive cannabis metabolites in an employee's hair, blood, urine or other bodily fluids.

A positive drug or alcohol test is considered a violation of this policy, and will subject an employee to disciplinary action up to and including termination of employment. Refusal to submit to a drug or alcohol test may result in disciplinary action including possible termination of employment.

If an employee holds a safety sensitive position, he/she may be subject to random drug testing in accordance with applicable laws.

Any employee who is using prescription (including domestic and foreign prescriptions) or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting work.

Employees should be aware that substances, including medications, lawfully used in foreign countries, may give rise to a positive drug test. Even in this situation a positive drug test will subject the employee to disciplinary actions, up to and including termination of employment.

An employee's conviction on a charge of illegal sale, purchase, possession or use of a controlled substance, even if the incident occurs off-duty and not in the work place, may result in a loss of employment. Any employee convicted of such a charge must notify the HR Manager within five calendar days of the conviction.

### **Smoking**

La Tapatia is committed to providing a healthy and safe work place. In keeping with this commitment, smoking (including the use of e-cigarettes or similar "vaping" devices) is prohibited in all enclosed areas of the workplace. Enclosed spaces include covered parking lots, waiting areas, elevators, stairwells and restrooms. Employees may smoke in designated areas only.

Employees who smoke do not receive extra rest periods.

## **Workplace Violence**

La Tapatia is committed to preventing workplace violence and to maintaining a safe work environment. All employees, customers, vendors and business associates should be treated with courtesy and respect at all times.

With the assistance of employees, La Tapatia has developed a comprehensive Workplace Violence Prevention Program. It includes provisions related to responding to reports of workplace violence, ensuring employee compliance, communication and training, responding to emergencies, identifying and evaluating hazards, and post-incident responses and investigations. The program describes how employees can report incidents or seek assistance to prevent or respond to an incident, what corrective measures the company may take, and strategies to avoid physical harm. As part of the program, we will maintain a violence incident log.

The program is available for your review during work hours. You may request a copy from the HR Manager.

Conduct that threatens, intimidates or coerces another employee, customer, vendor or business associate will not be tolerated. Company resources may not be used to threaten, stalk or harass anyone at the workplace or outside of the workplace. The company treats threats coming from an abusive personal relationship as it does other forms of violence.

Workplace violence includes many types of behavior including, but not limited to, the following:

- Any type of physical violence toward a person
- Threats of violence, whether direct, indirect or conditional
- Physical intimidation or aggression
- Possession of a weapon on company property or during work-related activities

Behavior that, from the perspective of a reasonable person, generates a concern that an individual may act out violently may also be reported and investigated under this policy. This may include, but is not limited to stalking, erratic behavior caused by mental illness or substance abuse, and suicidal statements.

La Tapatia will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. We will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, we may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found 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.

## **Emergency Conditions in the Workplace**

We want employees to take appropriate action to protect themselves in the event of an emergency condition. In the event of an emergency condition, La Tapatia will not take adverse action against an employee for refusing to report to, or leaving, a workplace because the employee has a reasonable belief that the workplace is unsafe, meaning that there is a real danger of death or serious injury if you remain on the premises. Nor will the company take adverse action for accessing your mobile device to seek emergency assistance, assess the safety of the situation, or communicate with someone to verify their safety. When it is feasible, an employee should notify the company of an emergency condition so the company can take appropriate action to safeguard employees or third parties on the premises.

“Emergency condition” means:

- Conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act.
- An order to evacuate a workplace, a worksite, a worker’s home, or the school of a worker’s child due to natural disaster or a criminal act.

An emergency condition does not include a health pandemic.

# PERSONNEL POLICIES

## **Representing the Company**

Our company's reputation is an asset that can make us successful. It is of paramount importance that each employee treats each other, clients and vendors with the utmost of respect and consideration not only during working hours, but after hours as well. You should also recognize that clients and others may view or have access to postings you make electronically. How we behave both at work and after hours is a reflection on our business.

## **Personnel Documents**

It is important that your personnel records contain accurate and up-to-date information. Any changes of name, address, telephone number, or number of dependents should be reported to Human Resources promptly. We also request that you supply us with the name, address, and telephone number of the person you wish to have contacted in the event of an emergency. La Tapatia will not take adverse action against an employee who updates his/her personal information based on a lawful change of name, social security number, or federal employment authorization document.

La Tapatia will retain certain records such as applications, personnel, referrals and other files for a minimum of four years after the records and files are initially created or received. We will also retain personnel files of former employees for a minimum period of four years after the date of termination. Upon notice that a verified complaint against the company has been filed pursuant to the Fair Employment and Housing Act, we will maintain and preserve appropriate records and files until the later of the following:

1. The first date after the date for filing a civil action has expired; or
2. The first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have terminated.

We will not display, disseminate or require you to use your social security number for any purposes, unless strict security devices are in place or required by law.

Pursuant to Labor Code section 432, La Tapatia will give you a copy of any document you sign relating to the obtaining or holding of employment.

Pursuant to Labor Code section 1198.5, you have the right to inspect or receive a copy of personnel records the company maintains related to your performance or any grievance concerning you.

We will make personnel records available within 30 days from the receipt of your written request. We will provide you with a form you may use to make the written request.

La Tapatia will not provide you with records relating to the investigation of a possible criminal offense, letters of reference or rating reports or records obtained prior to your employment, prepared by examination committee members or obtained in connection with a promotional examination. Prior to production we may redact the names of any nonsupervisory employees. You will be responsible to pay the actual costs of reproduction.

Upon request, La Tapatia will provide you with a copy of your paycheck stubs (which may be a computer-generated document) showing information such as hours worked, compensation earned and deductions. We will provide you with these records within 21 days of your written request. You will be responsible to pay the actual costs of reproduction.

La Tapatia shall immediately disclose to affected employees, any breach of the security of our computerized systems that includes personal information. Personal information is a first name or first initial and last name in combination with the individual's social security, driver's license or California Identification Card number. A breach of security includes unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of personal information. Good faith acquisition of personal information by an employee or agent of La Tapatia in the course of duties is not considered a breach, provided the personal information is not used or subject to further unauthorized disclosure.

If a current employee's personal information is released, we will provide written notification to the individual. Former employees will be notified through written correspondence to the most recent address on file. Notification may be delayed if a law enforcement agency determines the notification will impede a criminal investigation.

### **No-Match Letter**

Each year, the Social Security Administration (SSA) sends letters to employers informing them that the Wage and Tax Statement (form W-2) contains employee names and social security numbers that do not match SSA records. If La Tapatia receives a "no-match" letter, it will take the following steps.

First, within 30 days La Tapatia will check its records to determine if the discrepancy is because of a typographical or clerical error in its records or in communications with SSA. If there is an error, we will correct it.

If the records are accurate, we will, within five business days of completing the review, ask you to confirm that the information on file is correct. If you provide corrected information, we will correct our records, inform SSA or the Department of Homeland Security (DHS), and verify that the corrected name and number match SSA or DHS records. If our records are correct, we will ask you to resolve the discrepancy with SSA or DHS within 90 days of receipt of the no-match letter.

If the discrepancy is not resolved within 90 days of receipt of the no-match letter, La Tapatia may re-verify your employment eligibility and identity by completing a new Form I-9 within three days (93 days from the receipt of the no-match letter). In this case, you may not use a document containing the social security number or the alien number that is the subject of the no-match letter to establish employment eligibility or identity. In addition, all documents used to prove identity or both identity and employment eligibility, must contain a photograph.

If the no-match issue is not resolved by this process, La Tapatia may be compelled to terminate your employment.

### **Conflict Resolution and Grievance Procedure**



The purpose of this policy is to provide a procedure by which employees may resolve differences, inform La Tapatia of any concerns, or to grieve any action or decision of the company or its representatives.

We expect all employees to treat one another with respect and courtesy. However, in the event a misunderstanding, disagreement or a dispute arises, you are encouraged to speak privately and directly with the person(s) involved. This meeting should focus on the issues causing concern. Each person should speak kindly and listen carefully to the other person in an attempt to resolve all issues.

If the persons involved cannot arrive at a satisfactory resolution of their differences, they should meet with a supervisor. The supervisor will listen to the concerns expressed and reach a decision on the matter. (S)he may seek advice from another member of management before rendering a decision.

All employees are expected to cooperate and support any decision that is reached. Employees should not continue to debate and discuss the merits or wisdom of the decision. Instead, each employee should focus on what (s)he can do to improve the workplace environment.

The most effective way of resolving conflict is to discuss the matter with the persons involved in the conflict, or with those persons in management positions who can assist in the resolution of the conflict. Rarely, if ever, will discussing the matter with co-workers help resolve the issue. Most often, that will make the problem worse.

If these differences cannot be resolved or if you have a concern about a serious matter such as discrimination or safety issues, or if you wish to grieve an action or decision by La Tapatia, you may file a formal grievance. The formal grievance procedure is set forth below.

An employee may initiate a grievance by filing a complaint with the HR Manager. You should include any evidence supporting your claim, the identity of witnesses or other pertinent information with your complaint. The HR Manager or her designee will investigate your claim and take any other action necessary to make a decision respecting your grievance. The grievance should be filed within 30 days of the incident giving rise to your claim.

If you are dissatisfied with the decision of the HR Manager you may appeal the decision by filing an objection with company President within 10 days. You must explain why you believe the decision should be changed. The President will review your objection, and may ask for additional information from you or any other person involved. Generally, the President's review will be limited to determining if all relevant evidence was considered and whether the decision of the supervisor and HR Manager was supported by the evidence.

### **Employment References and Verifications**

Phone calls and written requests to verify employment are referred to the HR Department. Persons calling to verify employment will be given the name, title and date of hire of an employee. No other information, such as pay rate, will be given unless you sign an authorization form allowing La Tapatia to do so.

### **Background Checks**

Generally, if La Tapatia hires a third-party to provide an investigative consumer report of any employee or applicant, we will comply with the Federal and State Fair Credit Reporting Acts. We will obtain your prior written consent by disclosing the information gathered or received to you, and provide you with a summary of rights. Verifications of prior employment, education, job-related license or certification, social security number, or professional references may be conducted prior to an offer of employment.

La Tapatia will not conduct a criminal conviction background check, or ask an applicant to disclose, orally or in writing, information concerning his/her conviction history until a conditional job offer has been made. In conducting a criminal conviction history check, the company will not consider arrests not followed by conviction, referral to or participation in a pre-trial or post-trial diversion programs, or convictions that have been sealed, dismissed, expunged or statutorily eradicated. We may ask an applicant about an arrest for which the applicant is out on bail or on his own recognizance pending trial.

If we intend to deny an applicant a position because of criminal conviction history we will make an individualized assessment as to whether the applicant's criminal conviction history has a direct and adverse relationship with specific job duties justifying the denial. Factors we will consider include: the nature and gravity of the conduct; the time that has elapsed since the conduct and completion of sentence; the nature of the job sought; the personal conduct of the applicant; whether there was harm to property or people; the degree of harm; permanence of the harm; context of the offense; whether a disability (including substance impairment) contributed; whether the likelihood of harm could be eliminated by reasonable accommodation, whether the disability has been eliminated; whether trauma, domestic abuse, stalking, or similar factors contributed to the conduct; the age of the applicant; the time that has passed; the time that passed since incarceration; specific job duties; whether the context resulting in conviction is likely to arise in the workplace; and whether the type of harm is likely to occur in the workplace.

If we make a preliminary decision that the criminal conviction history disqualifies the applicant, we will notify the applicant of the decision. The notice will contain the disqualifying convictions, a copy of the criminal conviction history report, and an explanation of the applicant's right to respond to the decision within five business days. The notice will inform the applicant that (s)he may include evidence of the accuracy of the report, evidence of rehabilitation and mitigating circumstances.

If the applicant notifies the company in writing that (s)he disputes the accuracy of the conviction history report, we will provide the applicant five additional business days to respond.

We will consider the information submitted before making a final decision. If the application is denied because of criminal conviction history, we will send a notice to the applicant regarding the final denial and the applicant's right to file a complaint with the CRD.

Drug testing and medical examinations will only be administered after other tests or investigations are completed and a job offer has been extended. The nature of the medical examination will be disclosed to the applicant prior to testing and will be related to specific job duties.

### **Confidentiality of Personnel and Medical Records**

La Tapatia will keep all personnel and medical records confidential. Information regarding an employee's medical condition is maintained in files separate from personnel files. Only those supervisors or managers

who need to be informed regarding an aspect of the employee's personnel record or medical condition will be allowed access to these records. Confidential medical information may also be available to first aid or safety personnel in the event of an emergency.

### **Privacy of Health Information**

Pursuant to state and federal law, including the Health Insurance Portability and Accountability Act (HIPAA), the company must take certain measures to protect employees' "protected health information." Protected health information is information relating to an individual's medical condition, the provision of medical care for that individual, or the payment for that individual's medical care, which can identify the individual to whom it relates. The company will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against an individual for exercising your HIPAA rights, filing a complaint, participating in an investigation or opposing any improper practice. You will not be required to waive these rights as a condition of treatment, payment enrollment or eligibility.

### **Confidentiality of Company Information**

In the course of your employment you will be exposed to information that La Tapatia considers and protects as confidential, proprietary and trade secret information. It is your responsibility to in no way reveal or divulge any such information unless except in the performance of your duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and the company may take legal action. Even after your employment with La Tapatia terminates, you are required to maintain the confidentiality of this information and not disclose it for any reason.

The confidential information to which you are privy and which you must maintain as confidential includes, but is not limited to, customer names and contact information, billing, payment, budgets, pricing information and other financial information relating to clients or La Tapatia; business and marketing strategies or practices; product recipes and any manufacturing processes or practices.

You may be given a personal password to log onto La Tapatia's computer system. Passwords are given to allow us to control and restrict access to information to certain employees. Do not give your password to others or allow others to access company data using your password. Nor should you ever, directly or indirectly, copy, download or disseminate or help another person copy, download or disseminate company information for a non-company purpose. You should never download information to take with you when you leave our employment, even if you created the document. Engaging in these activities could subject you to civil and/or criminal liability.

### **Attorney-Client Confidentiality**

On occasion, you may be a participant in discussions involving confidential company business, including matters that are the subject of a pending or potential lawsuit. The dissemination of this information to you and others is necessary to communicate litigation strategy and implement the advice of counsel. You must maintain the confidentiality of this information. The information is protected by the attorney-client privilege. The privilege is owned by the company. As a result, only the company President can authorize the dissemination of any litigation information. You cannot discuss the information with others including co-workers, spouses or friends.

## **Document Retention**

In some cases, such as when litigation is pending or foreseeable, you may have a duty to stop normal purging procedures and preserve existing data. The company will provide notice to affected employees if this duty arises. Altering or deleting documents during a purging hold will be considered grounds for discipline up to and including termination.

## **Garnishment**

If La Tapatia receives an order to garnish your wages, it must comply with that order. A garnishment is a stoppage of a specified sum from wages to satisfy a creditor. This will reduce your take-home pay.

## **Attire and Grooming**

La Tapatia considers the presentation of its image to employees, customers and the public to be an important factor in our success. As such, the company requires all employees to dress in good taste and observe good habits of grooming and personal hygiene. Body odor, from any cause, should not create distractions and/or affect the quality of our products. Employees are discouraged from wearing excessive amounts of perfume, cologne, or scented lotions in the workplace. You are also asked to avoid using excessive amounts of hair spray or other scented products.

Most employees will be provided with uniforms, and are required to wear them at all times during work hours. If replacement uniforms are needed, please inform the HR Department.

Clothing should be neat, clean, not create undue distractions, and be consistent with safety guidelines. Employees who handle our food products (including production employees, store clerks, drivers, and loading/warehouse employees) may not wear the following items during work hours:

- Fingernail polish or artificial nails
- Jewelry of any kind
- Shorts or skirts
- Open-toed shoes or sandals

All employees must wear personal protective equipment at all times as appropriate for their job duties. Employees working in production areas must wear slip-resistant shoes, and warehouse staff must wear steel-toe shoes or boots.

Dress code requirements may vary based on job function, gender, level of client contact, safety issues and other business considerations. Employees may wear their hair in a way that is historically associated with race including braids, locks, and twists. When appropriate, La Tapatia will make reasonable accommodations in its dress and grooming standards. If you are uncertain as to the appropriateness of a specific clothing item, accessory or style of dress, please consult your supervisor.

## **The Use of Business Vehicles**

As with all other company property, company vehicles are to be used for business purposes only, and only in compliance with the following rules:

- Operate the vehicle safely. Observe all traffic laws and drive courteously. Your driving practices reflect on you and the company.
- Wear your seat belt at all times while operating the vehicle.
- Set the emergency brake, remove the keys and lock the doors when the vehicle is not in use.
- Keep the vehicle clean of personal belongings and/or materials when you are not using it. Remove all litter.
- Do not smoke in the company vehicle.
- Report any mechanical or maintenance problems.
- Visually inspect your vehicle each day and report any damage or problems to your supervisor.
- Report any accident, regardless of how minor, to your department supervisor as soon as possible, and not later than the end of your shift.
- Do not carry unauthorized riders or passengers.
- Do not carry weapons in the company vehicle.

## **Tools and Equipment**

Tools or equipment necessary to the performance of a job shall be provided and maintained by La Tapatia. Personal use of company property, including tools, vehicles and other equipment is strictly prohibited. In addition, you are prohibited from using tools and equipment on which you have not received training.

## **Solicitations**

In order that employees are not bothered at work and to avoid disruption of La Tapatia operations, non-employees will not be permitted to solicit employees during work hours. Solicitations by employees will be allowed during rest and meal periods.

Telephone-related vendors are subject to this same rule unless the sales calls are scheduled in advance. From time to time people contact us (typically salespersons) asking for a member of management. If we receive requests, ask for name, company, phone number and any materials they wish to leave. The solicitor should not wait for an immediate response. (S)he should be told that the owners will review the material and respond if interested. If we decide that we want any of the person's products, we will call the solicitor. Because of the loss of time that can be incurred, we do not want solicitors calling.

## **Expense Reimbursements**

La Tapatia will reimburse employees for reasonable expenses incurred for business purposes. Generally, receipts must be provided to your supervisor for approval of expenses. You will be reimbursed the IRS standard mileage rate if you use your vehicle for company purposes. However, you are still responsible for any expenses associated with operating your own vehicle during business travel time, including but not limited to insurance deductibles.

## **Cash Shortages and Breakage**

La Tapatia will make a deduction from your wages or require reimbursement, if, after an investigation, it is determined that the shortage, breakage or loss was caused by a dishonest or willful act, or by the gross negligence of the employee.

## **The Use of Computers and Communication Equipment**

La Tapatia has made a significant investment in technology, including equipment that allows us to better and more efficiently communicate with one another and with third parties. The technology, including computers, office telephone systems and mobile phones, were purchased to improve operations. Unfortunately, some employees may attempt to use the equipment inappropriately.

You should refrain from putting any information on company-owned equipment that is inappropriate, unlawful or that could prove embarrassing. Among those considered offensive are communications that contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability. Communications that violate any other rule or policy contained in this manual are also prohibited.

Employees who receive company-owned cell phones may use them for business purposes only. Personal communications (call or text messages), internet searches, and downloads are prohibited on these devices. Employees are also prohibited from deleting usage data, call and text logs, e-mail records, and any other records from company-issued cell phones.

In order to protect its property, maintain costs and improve efficiency, La Tapatia reserves the right to search office property including computers, cell phones or pagers and associated billing and usage records.

Access to any website that is offensive or discriminatory is prohibited. You may not use company technology to state positions or opinions that give the impression that (s)he is speaking on behalf of La Tapatia, unless you are specifically authorized to do so.

The communication systems should not be used to send or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization. Under no circumstances should any confidential or sensitive materials be disclosed to third parties except for appropriate and authorized business purposes.

You are advised that all information placed on the computers, telephones or any electronic data system, whether or not personal in nature, is property of La Tapatia and may be assessed and reviewed by the company, without notice or reason. This information includes, but is not limited to, monitoring sites you visit on the internet, monitoring chat groups and news groups, reviewing downloaded or uploaded material, and reviewing text messages and e-mail sent and received by you. We will require you to provide copies of all passwords used to access or use company-owned equipment. Passwords do not guarantee privacy of any data or information. Nor do system security features such as passwords and message delete functions prevent our ability to access equipment you have used or data you have created, received or sent. Inappropriate use of the equipment could lead to disciplinary action including possible termination of employment.

You are further cautioned that the use of computers and communication equipment is for business purposes only. As examples, you should not send personal e-mails on company computers. Nor should you, unless specifically instructed to do so, access or e-mail company information for personal reasons.

After you are no longer with La Tapatia, you are no longer authorized to use company information or log into company accounts. All company-issued electronics must be returned immediately without deleting any data. Any company records or projects stored on a personal cell phone or personal computer must also be returned.

### **The Use of Social Networking Communications**

You may not use company property to create, maintain, amend, view, access, download, contribute to, or store a blog, or post entries on the internet (whether through a social network of any form, or using another method), unless you have written authorization to do so. You may not blog or post entries on the internet (whether through a social network of any form, or using another method) while you are on duty, unless you have written authorization to do so. Do not use company equipment to post or disseminate any copyrighted materials or other intellectual property belonging to someone other than you.

The company has access to all company-provided electronic equipment and property, and may from time to time, and without notice, inspect the condition of the equipment and the communications, content, data and imagery stored on it. You have no privacy rights in any communications, content, data or imagery in company provided digital equipment you access, view, create or save. Those communications, content, data and imagery are also subject to monitoring by the company.

You may also be subject to discipline if any comments, material or information you post, blog, tweet, comment or disseminate on non-company-owned equipment:

- Violates the privacy rights of another company employee;
- Discloses the trade secrets or confidential business information of the company or any affiliated business entity, the company's customers, suppliers or vendors;
- Discloses business plans, strategy or prospects of the company or any affiliated business entity;
- Criticizes or disparages competitors, customers or suppliers of the company or any affiliated business entity;
- Purports to represent the position, viewpoint, statements, opinions or conclusions of the company or any affiliated business entity;
- Violates laws that prohibit defamation, harassment, discrimination, or retaliation;
- Disparages La Tapatia's products or services;
- Displays contemptuous, opprobrious or abusive comments about the company or its representatives; or
- Suggests that the company endorses or promotes a particular product, commercial enterprise, opinion, cause or political candidate.

This policy does not, however, prevent you from engaging in concerted activities for the purpose of collective bargaining or other mutual aid.

Remember, you are personally responsible for any posting that you make. You can be held personally liable for any statements deemed to be defamatory, obscene, harassing, discriminating, or retaliatory, violate privacy rights, include confidential or copyrighted information (e.g., music, videos or texts that belongs to someone else) or are otherwise unlawful. La Tapatia is not responsible for protecting you from the consequences of any information that you post.

### **Social Media Passwords**

Generally, La Tapatia will not require or request you to disclose a user name or account password to access a personal social media account. Nor will we ask you to access your personal social media accounts in our presence or to divulge any personal social media. We may ask you to divulge personal social media if we reasonably believe it is relevant to an investigation of employee misconduct or employee violation of applicable laws and regulations. Even in this situation, we will use the information for the investigation or proceeding only.

We do require employees to disclose usernames, passwords or other methods of accessing employer-issued electronic devices.

### **Employment of Relatives**

Employees' relatives generally will not be eligible for employment with La Tapatia where potential problems of supervision, safety, security or morale or potential conflicts of interest may exist. When family members are hired, they will not be scheduled to work on the same shift or for the same supervisor. Relatives include an employee's spouse/partner, parent, child, sibling, in-laws, and step-relationships. Non-family members of an employee's household may also be included in this policy.

### **Romantic Relationships**

We encourage employees to avoid romantic relationships with co-workers because of potential complications in the workplace. La Tapatia prohibits employees in the line of authority from engaging in romantic relationships. If such a relationship develops, we expect the employees to disclose the relationship so that a transfer can be made, if possible. Romantic relationships with customer or vendor representatives may also create problems, including claims of unlawful harassment or conflicts of interest. As a result, we ask employees with these relationships to disclose that information so that the company can take appropriate action to avoid possible conflicts of interest or violations of the law and to protect the interests of the company and all employees.

### **Housekeeping**

All employees are expected to keep their work areas clean and organized. Common areas such as break rooms and restrooms should be kept clean by those using them. Please clean up after meals and dispose of trash properly.

Employees are asked to avoid using excessive amounts of air freshener or other scented products, and eating foods that will leave a strong odor in the workplace.

### **Moonlighting**



Unless you were hired as a part-time employee, your position with La Tapatia is a full-time responsibility requiring your full loyalty. All employees will be held to the same standards of performance and scheduling demands, and exceptions will not be made for employees who also hold outside jobs. If you are engaged in outside employment, whether or not you are a full or part-time employee, please report it to your supervisor so that we can assess whether your outside employment presents a conflict of interest. While employed with us, you are not permitted to engage in any business venture that actually or may compete with the company. This is a violation of your duty of loyalty. Furthermore, information, projects or opportunities on which you work as part of your job duties with La Tapatia are property of our company and may not be used for personal gain or as information for another company.

### **Personal Business**

Personal phone calls, e-mails and visits during work hours should be kept to an absolute minimum. Except for emergencies, please restrict your personal business to your meal and rest periods. Attending to personal business during work hours is extremely costly.

In compliance with food manufacturing practices, production employees are not permitted to keep personal cell phones with them during work hours. Handling phones may breach the sanitation requirements of our work areas. Cell phones must be stored in your locker and may be used during rest and meal periods only.

In an effort to minimize distractions and safety hazards, employees are not permitted to listen to music (whether on personal electronic devices, portable radios or other sources) during work hours.

### **Searches and Inspections**

In order to protect its property, employees and clients, La Tapatia reserves the right to search office property including desks, computers, containers, storage areas and any other equipment without notice. La Tapatia also reserves the right to inspect personal property on the premises as warranted, including vehicles, clothing, packages, lunch boxes, purses and other containers for illegal drugs, alcohol, weapons, stolen property or evidence of a violation of company rules. Searches of personal property will only be conducted when there is reasonable cause to believe that an employee has illegal drugs, alcohol, weapons, stolen property or evidence of a violation of company rules in his/her possession.

Company property and premises may be monitored by means of audio, visual or electronic equipment at any time, without prior notice. Monitored information includes, but is not limited to, monitoring sites employees visit on the Internet, monitoring chat groups and news groups, reviewing downloaded or uploaded material, and reviewing email sent and received by employees. La Tapatia will keep copies of all Internet and email passwords. System security features such as passwords and message delete functions, do not neutralize or inhibit our ability to access such materials. You should not expect privacy in any area not specifically designated to you for your exclusive use.

### **If You Must Leave Us**

Should you decide to end your employment with us, although it is not required, we request that you provide at least two weeks' advance notice. Your thoughtfulness will be appreciated and noted favorably should you ever wish to reapply for employment with La Tapatia.

Upon voluntary or involuntary termination of employment, you must return all company property in satisfactory condition.

### **Rehire Policy**

Employees who leave La Tapatia in good standing may be considered for rehire when mutually beneficial for the employee and the company. If an employee is rehired within six months of the date of separation, it will be treated as if there were no break in service. The employee will retain his/her previous hire date, seniority, benefits eligibility, etc. After six months, the employee will be treated as a new hire for purposes of background investigation, seniority, company benefits, and all other policies.

### **Postings**

Federal and state employment posters and all other postings are located in the Corn & Flour lunch room, the Chip lunch room, and the Drivers room. In addition, you can view a copy of Wage Order No. 1 by asking the HR Manager, or via the Internet at: [www.dir.ca.gov/iwc/WageOrderIndustries.htm](http://www.dir.ca.gov/iwc/WageOrderIndustries.htm)

## 2025 EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

By signing this form, I acknowledge receipt of the handbook. I understand that this handbook does not imply or constitute a contract or employment agreement for a specified term between myself and La Tapatia Tortilleria, Inc. (La Tapatia).

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. I understand that I must read and comply with the Policy Prohibiting Unlawful Discrimination and Harassment contained in the handbook. If I have any questions about the handbook, or any employment matters, I will contact my supervisor or the Human Resources Manager.

If any dispute or grievance should arise in the workplace and it cannot be resolved between coworkers, I understand that I am to go to my supervisor or the Human Resources Manager to express my concerns, immediately, so that the dispute or grievance can be properly resolved in a timely manner.

I understand that it is my responsibility to in no way reveal or divulge any confidential, proprietary and trade secret information that I may come in contact with, during and after my employment with La Tapatia.

I understand that the workplace can be inspected or searched, for reasonable cause. Items including property of La Tapatia, personal property brought on the premises, and any information transmitted on computers or communications systems can and will be included in these searches or inspections.

I understand that my work at La Tapatia is "at will," meaning that I am free to leave the company at any time, with or without reason, and that the company has the same right to end its employment relationship with me. No one at La Tapatia has authority to make a contrary agreement with me except in a formal written document signed by the company President and myself. The employee handbook and all other policies and procedures of La Tapatia are intended to be consistent with the company's employment-at-will philosophy.

I understand that this handbook contains general statements about current company policy, and that La Tapatia retains the right to revise or modify the terms, information, policies, and benefits at its sole discretion and at any time.

I understand that the company may, at its sole discretion, depart from policy from time to time.

Employee Signature \_\_\_\_\_

Employee Name Printed \_\_\_\_\_

Date \_\_\_\_\_