



Whitefish Lodge & Suites  
Whitefish Catering  
Manhattan Beach Lodge  
Manhattan's Restaurant  
Lake Home Rentals

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# **Employee Handbook**

## RECEIPT OF EMPLOYEE HANDBOOK

My signature on this document acknowledges that I have received a copy of the *Employee Handbook* and the *Drug Free Workplace Policy* which applies to all employees of facilities managed by Whitefish Lodge & Suites LCC.

As an employee of any facility managed by Whitefish Lodge & Suites LCC, I agree to read this handbook and to ask my supervisor about any portion that I do not understand.

I also understand that Whitefish Lodge & Suites LCC has the right to add, delete or otherwise modify the policies, procedures or other information provided in this handbook at any time.

I agree to abide by the policies, procedures and other requirements as stated in this handbook. I understand that my failure to do so will lead to disciplinary action up to and including immediate discharge for a first offense.

I understand that neither the receipt of this employee handbook nor any verbal statements made by employees/management of Whitefish Lodge & Suites LCC constitutes an agreement or promise of continued employment. I understand that Whitefish Lodge & Suites LCC reserves the right to terminate my employment at any time.

SAMPLE

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

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

## RECEIPT OF DRUG-FREE WORKPLACE POLICY

Minnesota statute requires employers to notify employees in writing that a drug and alcohol testing policy for all facilities managed by Whitefish Lodge & Suites LLC has been adopted.

My signature on this document acknowledges that I have received a copy of the policy and have had the opportunity to read the policy and ask questions.

Further, my signature indicates I understand the meaning and effect of the drug and alcohol testing policy, and more importantly that my eligibility for employment/continued employment at any facility managed by Whitefish Lodge & Suites LCC will be affected by the outcome of my drug test results.

SAMPLE

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

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

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# *Welcome!*

We are so glad you have chosen to become part of our team and we certainly want to do our part to make your job rewarding and worthwhile.

Ultimately, the success of any facility managed by Whitefish Lodge & Suites LLC (subsequently referred to as the “Company”) depends on you. You are important to us and that is why we will support your work in every way we can. We want to create the best opportunities, provide encouragement and recognition that will develop your talents and make you productive and successful in your job.

This employee handbook (subsequently referred to as the “Handbook”) is a source of information regarding general rules, payroll, privileges, benefits, procedures and policies of the Company.

The Company reserves the right to amend, add, delete or change the policies, procedures and/or employee benefits listed or offered in this Handbook at any time.

**This Handbook is NOT an employment contract for any definite term of employment** and none of the policies described in the Handbook should be construed as an employment contract. Your employment is “at-will” which means that you may terminate your employment at any time.

The provisions and policies stated in this Handbook supersede any recorded in earlier versions you may have received. The most current version may be obtained by requesting one from your supervisor.

Again, welcome to the team. If you have questions prior to your start date, please call us at any time, or send email if that is more convenient. We look forward to having you come onboard.

*Whitefish Properties Management Team*

## EMPLOYMENT POLICIES

### Introductory Period

The introductory period is intended to give a new employee the opportunity to demonstrate his/her ability to achieve a satisfactory level of performance and to determine whether the new position meets his/her expectations. Facilities managed by Whitefish Lodge & Suite LLC (subsequently referred to as the “Company”) uses this period to evaluate employee capabilities, work habits and overall performance. It is a period of adjustment and adaptation, both personally and professionally, while learning the job requirements and work rules. During this period, as in all other periods of employment, the employee may be terminated at any time and no “progressive” discipline, advice or counseling is required prior to termination.

All new and rehired employees work on an introductory basis for the first 90 calendar days after their date of hire. If supervisors of facilities managed by the Company determine that the designated introductory period does not allow sufficient time to thoroughly evaluate an employee’s performance, the introductory period may be extended for a specified period. Usually the reasons for the extension and the performance expectations with plans for correction will be discussed and documented with the employee during a personal conference.

Upon satisfactory completion of the initial introductory period, employees enter the “regular” employment classification.

In cases of promotions or transfers within facilities managed by the Company, employees may need to fulfill an evaluation period for the new position. However, this evaluation period will not be counted against the accrual of eligibility requirements for benefits. Any employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the evaluation period.

Employment status is not changed during an evaluation period that results from a promotion or transfer within facilities managed by Whitefish Lodge & Suite LLC.

### Employment At-Will

All employees are employed “at-will” which means is that you or the Company can terminate your employment at any time for any reason – or for no reason at all.

***The Employee Handbook is not an employment contract, whether expressed or implied.*** Its purpose is informational only.

At time of publication, the Employee Handbook (subsequently referred to as the “Handbook”) is a general guide to current employment policies, forms, procedures and benefits for employees of any facility managed by the Company. From time to time, the Company reviews its policies, procedures, benefits, etc. Based on need and desirability, the Company may alter, modify, add or delete any provision listed in this handbook at any time. It is the employee’s responsibility to be sure your copy of the Handbook is updated and maintained.

## **Equal Employment Opportunity**

We believe in equal employment opportunity for all individuals without regard to race, color, religion, sex, age, national origin, sexual orientation, disability or status as a veteran. This policy extends to all terms, conditions and privileges of employment as well as the use of all company facilities and participation in all worksite-sponsored activities, including the following:

- ❑ Hiring
- ❑ Promotions
- ❑ Transfers
- ❑ Recruitment or recruitment advertising
- ❑ Layoffs or terminations
- ❑ Compensation of any kind
- ❑ Selection for training
- ❑ Educational programs
- ❑ Company-sponsored recreational and social activities

The Company will staff each position with the most capable individual available and utilize his/her talents in a position commensurate with the individual's abilities as far as the Company's requirements and job opportunities allow.

Furthermore, harassment, retaliation, coercion, interference, or intimidation of an employee because of that employee's race, religion, color, national origin, sex, age, or disability is strictly forbidden. Any employee who experiences such treatment should report it immediately to his/her supervisor of the Company.

We earnestly seek the cooperation of all employees in helping to maintain this policy.

## **Americans with Disabilities Act**

It is our policy to comply with all the relevant and applicable employment provisions of the Americans with Disabilities Act ("ADA"). We will not discriminate against any qualified employee or job applicant with respect to any terms, privileges or conditions of employment because of a person's physical or mental disability.

## **Immigration and Employment Eligibility**

In compliance with the Immigration Reform and Control Act of 1986, the Company is required to verify that employees are either U.S. citizens or authorized to work in the United States. Verification requires that new hires produce specific documents, listed on the back of the government INS Form I-9, providing his/her identity and employment eligibility. Both the employee and the employer must, under oath, complete and sign the Form I-9 indicating eligibility for employment.

## **Harassment Policy**

It is our policy to treat all employees equally in terms and conditions of employment. Harassment of any employee is contrary to this policy and will not be tolerated. This policy



applies to all employees, supervisors, agents and non-employees who have contact with employees during work hours.

Harassment is verbal or physical conduct toward employees and co-workers that is insulting or intimidating that may interfere with an individual's work or performance and/or creates an intimidating, hostile or offensive work environment. Harassment also includes any annoying, persistent act or action that singles out an employee to his/her objection or detriment because of race, sex, age, religion, national origin, physical handicap, sexual orientation, mental condition, or veteran status.

Although it is not possible to list all the forms of behavior that are considered unacceptable, harassment may include any of the following:

- ❑ Verbal abuse or ridicule. This includes making abusive, offensive or derogatory comments or slurs, jokes, innuendoes and other statements as well as unwanted sexual advances, invitations or comments.
- ❑ Interference with an employee's work. This includes physical contact directed at an individual such as assault, blocking normal movement or interference with work.
- ❑ Displaying or distributing sexually offensive, racist or derogatory objects or materials including derogatory posters or photos, cartoons or drawings in the workplace to the potential view of employees or the public.
- ❑ Any unwelcome sexual advances, requests for sexual favors and all other verbal or physical conduct of a sexual or otherwise offensive nature.
- ❑ Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.
- ❑ Bantering, teasing, leering, gawking, making non-verbal gestures or expressing words, names or statements that demean, insult or offend another person or persons.

Every employee, and especially every employee in a supervisory position, is expected to avoid any behavior or conduct that could be interpreted as inappropriate or unlawful harassment. All employees should understand the importance of informing an individual whenever that individual's behavior is unwelcome, offensive, in poor taste or inappropriate.

Employees who feel they have been harassed or have witnessed what they believe is or might be harassing or discriminatory behavior *must* report it immediately. Employees should use the established **Complaint Reporting Procedures** as described in the Handbook prior to filing a complaint with any government or outside agency. The policy of the Company is to investigate each complaint promptly and to keep results of the investigation confidential to the fullest extent practical.

### **Complaint Reporting Procedure**

Our *Complaint Reporting Procedure* has been developed to assist employees in resolving all types of complaints and disputes, no matter how small. Use this procedure to file complaints regarding work rules, working conditions, disputes with other employees, unfair practices and any type of harassment.

Complaints filed with the Company will be held in confidence and information will only be released on a need-to-know basis for the purpose of conducting an investigation. All persons involved in the complaint or investigation are required to keep the complaint and any information obtained confidential.

Please adhere to the following procedure:

Bring your complaint to your immediate supervisor. This should be done *immediately*. Explain the complaint in detail and offer any solutions you may have. Your supervisor will investigate the situation and upon completion of an investigation will provide an answer to you within an appropriate period of time (depending on the severity of the complaint) from the date the complaint was filed. Supervisors and Managers are also expected to report complaints immediately and to promptly initiate investigations of any harassment or discrimination he/she observes. If it is found that Company policy has been violated, management will take appropriate disciplinary action, up to and including termination of an offending employee.

*Note:* If for some reason you feel that you cannot take your complaint to your immediate supervisor, take it to the next higher level of Company management.

Company policy forbids retaliation against any employee who reports harassment, files a complaint, testifies, assists or participates in any manner in an investigation or proceeding conducted by the Company as well as any state or federal agency. Any retaliatory incidents will result in disciplinary action, up to and including termination.

## **Performance Evaluation**

Supervisors and employees are strongly encouraged to discuss job performance and professional goals on an informal, day-to-day basis. Additional formal performance reviews are also conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths as well as discuss positive, purposeful approaches for meeting goals.

## **Performance Reviews**

To assist you in performing your job to the best of your abilities, your performance will be evaluated by your on-site supervisor on an ongoing basis. Full-time and part-time employees will have a performance review annually, either on or near their employment anniversary date.

All written performance reviews will be based on overall performance in relation to the employee's job responsibilities and will also take into account the employee's conduct, demeanor, record of absences and tardiness. The written report will have a place for the employee to indicate in writing that he/she has read and understands the evaluation. All performance review documents will become a permanent part of the employee's personnel file.

In addition to the regular performance reviews described above, special performance evaluations may be conducted to advise the employee of any performance problems or opportunities for growth.

## **Employee Access to Personnel Files**

Upon request, employees may review their personnel file and the records contained in in the presence of your supervisor or management. Copies of the contents of the employee's personnel file may be obtained upon written request of the employee. Documents shall be provided to the employee within five working days of receipt of the written request.

## **Request for Employment Reference**

All inquires pertaining to verification of your employment should be referred to the Human Resources Department at the Company. This will help expedite the verification more effectively and efficiently.

## **Change of Status**

Employees are responsible for insuring their personnel records remain up-to-date and accurate. Promptly notify your supervisor and complete any appropriate forms for any changes to your name, telephone number(s), resident address, mailing address, marital status, number of dependents, scholastic achievements, emergency contact information, etc.

***This is very important.*** Failure to inform the Company of changes in status may affect your benefits as well as prevent us from providing accurate and timely paychecks or W-2 Forms.

## **Personal Appearance**

All employees of the Company have a direct impact on the image of our company. During business hours, employees are expected to present a clean, neat and professional appearance in addition to following the dress code requirements of their position.

Employees are expected to dress in a manner that is acceptable in a casual business establishment, including business appropriate jewelry and hair styles. Casual business attire includes:

***FRONT DESK:*** Company logo upper-body garment (shirt/vest/sweater); designated color slacks with no holes and appropriate in style; closed-toe shoes; no hats except for special designated occasions.

***HOUSKEEPING:*** Company logo shirt/smock; designated color slacks or jeans that are in good condition with no holes and appropriate in style; tennis or work shoes; no hats except for special designated occasions.

***BARTENDERS & SERVERS:*** Company logo shirt; designated color pants (slacks/capris/Bermuda shorts of appropriate length -- no short shorts) that are in good condition with no holes and appropriate in style; close-toe shoes; black belt and wine key. Hair must be pulled up and away from face if it is over chin-length. No hats except for special designated occasions.  
*Note: Uniform will change with season as necessary.*

***BACK OF HOUSE:*** Long pants; close-toe shoes. Long hair must be pulled back.

Consult your supervisor if you have any questions as to what constitutes appropriate attire and current designated colors.

## **HIPAA and Employee Privacy**

The Health Insurance Portability and Accountability Act (HIPAA) is designed to regulate the health insurance industry. It requires group health, dental and flexible spending account plans to simplify their claim administration procedures and to create patient privacy policies, procedures and systems in addition to developing security requirements.

## **1. Information from Health Plans**

The Company has the right to obtain “Summary Health Information” from its group health plans and other HIPAA-covered health insurance plans and policies. “Summary Health Information” is the kind of information that summarizes claims history, claims expenses or claims experience, with the personal identity of all employees removed. The Company will not collect information and data other than “Summary Health Information” from group health plans and other HIPAA-covered health insurance plans and policies.

## **2. Information from Employees**

The Company will limit health and medical information collected from its employees regarding the data and information needed:

- a) to obtain premium bids from group health plans and other health insurance plans and policies
- b) to modify, amend, or terminate any plan or policy
- c) to make decisions about whether to grant or deny a medical or health-related leave request.

Any medical or health information collected from employees will be kept separate from your personnel files and will not be available to your supervisors and managers, other than as needed to obtain, modify, amend or terminate group health plans and other health insurance plans and policies, or to decide a leave request. If you know that a supervisor or manager is using or has access to the private health and medical records of any employee for other than stated purposes, you should notify the Company’s General Manager immediately. It is the policy of the Company that supervisors and managers may not use any health and medical information collected from employees in the making of hiring, firing and promotion decisions.

## **3. Leave of Absence**

The policies and procedures regarding employee leaves of absence for medical reasons are covered in the Employee Handbook. Employees requesting a medical or health-related leave of absence must give the Company *written consent* to obtain relevant medical and health information from your treating physician or other caregiver sufficient for the Company to make a reasoned decision on whether to grant the requested leave. This is a condition to obtaining FMLA, ADA or other medical or health-related leave; your failure to sign the written consent form will be grounds for the Company to deny a medical or health-related leave request.

## **4. No Waiver of Rights**

The Company will not require any employee to waive his/her rights under the HIPAA privacy rules as a condition for treatment, payment or enrollment in a group health plan or other HIPAA-covered plan or policy or as a condition for eligibility for benefits under these plans and policies.

## **5. Prohibition against Retaliation**

The Company will not intimidate, threaten, coerce, discriminate against or take any other retaliatory action against any employee for:

- a) exercising a right allowed under HIPAA privacy rules
- b) filing a HIPAA privacy-related complaint
- c) testifying, assisting or participating in an investigation or compliance review related to HIPAA privacy rights or requirements
- d) opposing any act or practice made unlawful under HIPAA privacy rules

## COMPENSATION POLICIES

### Full-Time and Part-Time Employment

The benefits described in the Handbook may apply to full-time and part-time employees. Please check your benefit plan documents for eligibility requirements.

Unless otherwise specified in benefit plan documents, a temporary employee is usually not eligible for any benefits if he/she was hired during peak periods, for specific projects or for a limited period of time.

### Employment Categories

It is the intent of the Company to clarify the definitions of employment classifications so an employee understands his/her employment status and benefit eligibility.

Each employee is designated as either **NON-EXEMPT** or **EXEMPT** from federal and state wage and hour laws. Non-Exempt (*hourly*) employees are entitled to overtime pay under the specific provisions of federal and state wage and hour laws. An employee's Exempt or Non-Exempt classification may be changed only upon written notification by the Company's management.

In addition to the above categories, each employee will belong to one other employment category:

**REGULAR FULL-TIME** employees are those who are not within a temporary or introductory status period and who are regularly scheduled to work the Company's full-time schedule of 40 hours per week. Generally, they are eligible for the Company's benefit package, subject to the terms, conditions and limitations of each benefit program.

**PART-TIME** employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 40 hours per week. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation insurance), they are ineligible for most of the Company's other benefit programs.

**INTRODUCTORY** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the Company is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

**SEASONAL** employees are those who are hired to temporarily supplement the work force during peak seasons. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Seasonal employees retain that status unless and until notified of a change. While seasonal employees receive all legally mandated benefits (such as Workers' Compensation insurance and Social Security), they are ineligible for all of the Company's other benefit programs.

## **Paydays**

All employees are paid on a bi-weekly basis with the work week running from Wednesday through Tuesday. Paychecks will be issued every other Friday.

If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his/her return from vacation.

If an employee, for whatever reason, requests a reissue of a lost or stolen paycheck, the employee will be responsible for the cost of the "Stop Payment" fee charged by the bank, unless the employee can provide proof of the destruction of the original check.

## **Overtime**

All federal and state laws will be followed regarding your workweek.

If you are classified as a non-exempt employee and you work more than 40 hours in a work week, you will receive overtime compensation at one and one-half times your regular rate. (*Note:* Some state laws require overtime payment after working more than eight hours in a day.) However, you are not permitted to work overtime unless approved in advance by management. Certain administrative, professional, executive and sales personnel are exempt from the overtime provisions of the Fair Labor Standards Act.

## **Rest Breaks & Meal Periods**

Due to the nature of hospitality business, the various departments of the facilities managed by the Company have differing structures and work hours. Staff responsibilities and number of staff members on duty at any given time dictate when and if "duty free" rest breaks and meal periods are available. Please check with your supervisor to determine how your department handles this situation.

## **Payroll Deductions**

The Company makes the required deductions from your earnings on your behalf. Amounts withheld may vary according to how much you earn, your marital status, government employment regulations and other factors. Mandated withholdings include federal, state and local income taxes, if any, as well as Social Security and Medicare taxes.

In addition to standard payroll deductions, we are required by law to comply with certain court orders, liens or wage assignments and make payroll deductions pursuant to those orders.

## **Reduction in Workforce - Layoff**

Circumstances such as a slow-down of business may make a reduction in working hours or layoffs necessary. When required, notice of layoff will be provided pursuant to applicable federal and state statutes.



## BENEFITS

*Note: All benefits listed below are privileges granted to eligible employees of the Company. Failure to follow Company guidelines or abuse of these privileges will be cause for their revocation. The Company reserves the right to change its policies at any time.*

### **Meal Discounts**

Employees are eligible for a discount on meals purchased from Manhattan's at Manhattan Beach Lodge at any time. Meal purchases do not include alcohol or food previously discounted by promotional rates. Food is to be purchased before/after a shift or may be purchased during a shift with the prior consent of management. Eating food from Manhattan's that has not been purchased is never permitted.

Employees may invite one guest to dine with them and the guest's meal will also be discounted under the same employee meal discount guidelines.

### **Lodging Reservation Discounts**

Employees are eligible for a discount on lodging reservations at some facilities managed by the Company provided there is availability and management approval. Employees may not stay in the Company's facilities on the night prior to a scheduled work day.

### **Swimming Pool Usage**

Employees may use Whitefish Lodge & Suites' swimming pool at *no cost* any time the employee is off duty and if the facility is *not full* of regular guests (*e.g. weddings, pool parties, etc.*). An employee may invite at no cost family/friends and must accompany them to the pool with the understanding that the employee is responsible for their guest's behavior and actions.

Employees may also rent the pool for birthday parties at a discounted rate.

### **Vacation Benefits**

Vacation time off *with pay* is given to eligible employees to provide opportunities for rest, relaxation and personal pursuits.

Only full-time salaried or managerial employees are eligible to earn and use paid vacation time as described in this policy. The amount of paid vacation time salaried/managerial employees receive each year should be negotiated at the time of hire.

Employees will not be able to use vacation benefits until they have successfully completed the first full-year of service with the Company.

Any request for vacation time by salaried employees must receive advance approval from Department Lead and should be requested two weeks prior to use. Any exceptions must receive prior approval from the Company's General Manager. Requests will be reviewed and approval based on a number of factors, including business needs and staffing requirements.

Paid vacation time must be used in minimum increments of one day. Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include any special forms of compensation such as incentives, commissions, bonuses or shift differentials.



In the event that available vacation is not used by the end of the calendar year, employees will only be allowed to carry over a maximum of 5 days into the following calendar year. Exceptions may be made for business demands with approval of the General Manager. Any unused vacation time shall be forfeited if not used after a 1 year rollover date.

Upon termination of employment, an employee will be paid for unused vacation time that has been accrued through his/her last day of work.

### **Bereavement Leave**

An employee who needs to take time off due to the death of an immediate family member should notify his/her supervisor immediately. For purposes of this policy, the Company defines “immediate family” as an employee’s spouse, parent, child, sibling, father-in-law, mother-in-law, grandparents and grandchildren.

Salaried/managerial employees may receive up to three days of paid bereavement leave. An eligible employee may request to use earned vacation time if additional personal time off is needed.

Paid bereavement leave is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation such as incentives, commissions or bonuses.

Bereavement Leave without pay may be granted due to the death of a family member not included in the “immediate family” definition.

### **Holiday Pay**

The Company will observe the holidays listed below. An employee scheduled to work these days will receive holiday compensation at one and one-half times his/her regular rate.

- New Year’s Day (January 1<sup>st</sup>)
- Thanksgiving Day (fourth Thursday in November)
- Christmas Day (December 25<sup>th</sup>)

## JOB PERFORMANCE & WORK RESPONSIBILITY

Employees are expected to meet standards for work performance, punctuality, attendance and personal conduct at all facilities managed by the Company.

### Hospitality

Customer service is the ability to satisfy our guests' needs and wants. The main goal of all employees of the Company is to deliver everything the guest has ordered in a timely and appropriate manner. We strive to exceed our guests' expectations on a regular basis by providing them with service that other lodging facilities and restaurants just don't give them. This is the foundation of our business practice. The mentality of our staff disseminates from the atmosphere we create. Cleanliness, impeccable service, and the highest quality products are not luxuries but part of the daily routine at our facilities.

The overtone to everything we do for or present to our guests is hospitality. Hospitality is a step beyond customer service. We believe in treating our customers as guests in our home. The seven basic characteristics of hospitality are ...

- ❑ *Being polite.* Basic rules of etiquette are the premise of our Lake Country hospitality. Words such as "Please," "Thank you," "May I help you," "Pardon me," "Excuse me," and "Bless you" should occur regularly and often. We take politeness a step further. At our lodging facilities we phone guests shortly after arrival to ask if there is anything they need, we inquire if there is anything they need to know about the area and, when possible, we hold doors as guests enter or exit our facilities. At Manhattan's we pull out chairs while seating patrons; before customers sit, we ask if we can take his/her jacket and place it on the back of the chair; while guests are gone to the restroom, we neatly fold linen and place it back on the table. Always be aware of ways in which you can enhance this guest's day.
- ❑ *Smiling.* This aspect is non-negotiable to the customer. Employees who smile present a good aura about himself/herself and the facility. A smile is infectious to guests and staff alike. Indifference towards a customer is the ultimate killer to our business. People will go to a place that feels warm over somewhere cold any day.
- ❑ *Managing eye contact.* This is a sign of your confidence and interest in people. If you roll your eyes, you show your customer frustration or indifference; if you stare, you show your customer disrespect or thoughtlessness; if you look past your customer, you show disinterest. Maintain "engaged" eye contact with a polite smile while you speak or listen to any patron.
- ❑ *Greeting.* Every visitor wants to feel genuinely welcomed as you would when guests come to your home so it is important to begin by always introducing yourself. The Company does not endorse a standardized greeting, but wants you to adapt your own greeting (which includes your name) that is sincere. The key to your greeting is to acknowledge the guest's presence and greet from the heart. As you identify a patron as a "regular," seek to learn their names and truly personalize their experience at Manhattan's and/or our lodging facilities. Learning bits about them, such as their occupation, what activities they enjoy, etc., will serve to enhance your interactions!
- ❑ *Listening.* This is the most basic of customer service skills. If a customer asks you for something, it is your job (within limits) to acknowledge and respond to his/her request.

“Active” listening and paying close attention increases the accuracy of delivered requests and affects customer satisfaction.

- ❑ *Thanking.* Think back to your greeting. This patron has spent his/her dining and/or lodging experience with us instead of anywhere else. (S)He is increasing the money in your wallet and establishing a time to a restaurant and or lodging facility that we hope will continue. Always, always, always thank your guest for visiting and patronage.
- ❑ *Bidding farewell.* This is the last point of personal contact each guest receives. Every employee that passes a guest leaving should say “goodbye.” At Manhattan’s the host should hold the door for the guest as he/she leaves as a last personal touch. At Whitefish Lodge & Suites, front desk staff should hold the door (if possible) when guests are struggling with luggage carts.

### **Critical Components to Our Hospitality**

- ❑ All of our facilities’ culture is one of hospitality - not just when business is slow, but *all the time*.
- ❑ Our entire staff is driven and focuses on hospitality. Remember: we are only as good as the worst employee!
- ❑ Hospitality leadership. Look to what other employees are doing. What seems effective?
- ❑ Consistency and constant improvement. Each guest must feel welcome *each time they visit* or we have lost them. We will continue to share ideas and welcome your input on ways to improve our guests’ experience before, during and after their stay.

### **Handling a Customer Complaint**

When you encounter a complaint, remain calm. Focus on what you can do to fix the issue as opposed to dwelling on the issue itself. *Never become confrontational with a guest.*

Follow this procedure:

1. Relax (*Don’t take the complaint as a personal attack.*)
2. Listen carefully to the issue
3. Apologize – say “I’m sorry that happened and I’ll fix it right away.” (*Follow-up with immediate action.*)

If you **cannot** quickly resolve the issue:

4. Ask “What can I do to make it right?”
5. Contact your supervisor or management *immediately*. He/She will work with you to come up with the most appropriate solution.
6. Follow through with the agreed upon solution.

## **Employee Conduct & Work Rules**

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

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- ❑ Theft or inappropriate removal or possession of employer-owned or customer-owned property
- ❑ Falsification of timekeeping records
- ❑ Working while under the influence of alcohol or illegal drugs
- ❑ Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty or while operating employer-owned vehicles or equipment
- ❑ Fighting or threatening violence in the workplace
- ❑ Boisterous or disruptive activity in the workplace
- ❑ Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- ❑ Insubordination or other disrespectful conduct
- ❑ Violation of safety or health rules
- ❑ Smoking in prohibited areas
- ❑ Sexual or other unlawful or unwelcome harassment
- ❑ Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work-place
- ❑ Excessive absenteeism or any absence without timely notice
- ❑ Unauthorized use of telephones, mail systems, computers, printers, copy machines, laminators or other employer-owned equipment
- ❑ Unauthorized disclosure of Company “secrets” or confidential information
- ❑ Violation of personnel policies
- ❑ Unsatisfactory performance or conduct
- ❑ Sleeping while on duty unless designated as “on call” with lodging provided by management
- ❑ Family or friends accompanying any staff member while on duty – unless prior approval by management
- ❑ Any manipulation of camera equipment that prevents monitoring (This infraction will result in termination.)
- ❑ Failure to stay constructively busy (i.e. performing general maintenance, cleaning projects, walk-throughs, laundry, etc.) while on duty
- ❑ Accepting/making personal phone calls while at work except in cases of emergency

- ❑ Operation of computers for any use other than those needed to access facility information and/or conduct Company business
- ❑ Making an employee reservations without management approval prior to input
- ❑ Failure of an employee who is aware of any breach of company policy to immediately bring it to management's attention

### **Outside Employment**

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

Outside employment will present a *conflict of interest* and could result in termination if it has an adverse impact on the Company. For example: while working for a competitor, you conduct business and/or solicit clients who would have otherwise contacted one of the Company's facilities.

### **Non-Working Status**

When off-duty, employees are encouraged to visit Manhattan's restaurant or any part of the Company's lodging facilities as long as you present yourself as a guest and act accordingly.

Any clothing which is part of your official Company uniform (those with logos of Company facilities) should never be worn when you are off-the-clock.

Also do not wander through the different working areas. It is not fair to on-the-clock employees who are trying to do their job or to other guests who are paying for an exclusive dining or lodging experience.

### **Workplace Monitoring**

Workplace monitoring may be conducted by the Company to ensure quality control, employee safety, security and customer satisfaction.

Employees who regularly communicate with customers may have their telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our customers' image of the Company as well as their satisfaction with the company's service.

Because the Company is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

### **Use of Phones While On-the-Clock**

In order to keep Company telephone lines open for business calls, employees are requested to discourage personal incoming calls, except in the cases of an emergency, which would tie-up Company telephone lines. Also outgoing calls, except in an emergency, are to be made during an employee's break or meal period.

If it becomes necessary for an employee to make a personal long-distance call, the call should be charged to the employee's home number, charged to a calling card or be placed collect.

Employees who own cellular telephones should make all personal calls or text messages during his/her break time and meal periods. Again employees should inform family and friends that personal incoming calls must be limited in number and duration.

Carrying or use of personal cell phones is prohibited while an employee is on-the-clock. Personal cell phones are **not** allowed at the front desk, on housekeeping carts, at hostess station, behind the bar, etc.

If someone needs to contact you because of an emergency, have them call the facilities' main landline number and staff will locate you.

Whitefish Lodge & Suites: 218-692-2242 ext. "0"

Manhattan Beach Lodge: 218-692-3381

### **Use of Company Mail Supplies**

Employees are required to provide the necessary postage when mailing personal items from any Company facility. Stamps may be purchased from the Front Desk.

At no time are employees allowed to use the Company's mailing supplies.

### **Company Equipment & E-mail Usage**

Use of Company equipment (e.g. computers, computer files, printers, copy machines, the e-mail system, software, etc.) is intended for business purposes of the Company ONLY. Employees may not use Company passwords, access files or retrieve any stored communication without authorization of management. To ensure compliance with this policy, use of Company equipment and its e-mail system may be monitored.

The Company strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Company prohibits the use of its equipment and the e-mail system in ways that are disruptive, offensive to others or harmful to employee morale.

For example, the display or transmission of sexually explicit images, messages and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes or anything that may be construed as harassment or showing disrespect for others.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations or any other non-business matters.

Employees should notify their immediate supervisor or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary actions, up to and including termination of employment.

### **Personal Work Areas**

In an effort to maintain a professional work environment, each employee is expected to maintain high standards of cleanliness and order with regard to their personal work area. All desks, credenzas, bookcases, shelving and files should be kept clean and orderly. At the end of the workday, all work should be stored in an orderly fashion and all confidential information must be secured.

## **Personal Property**

The Company assumes no responsibility for loss or damage to an employee's personal property. Do not bring valuable items to work with you. Lockers are available at Whitefish Lodge & Suites only but employees must provide their own lock. These lockers are located downstairs in the break area of the laundry room.

## **Open Door Policy**

Employees are encouraged to provide input, share concerns, seek information and resolve problems. Please bring any concerns to the attention of Company management. We are a team and constructive communication is important and welcome.

## **Progressive Discipline**

The purpose of this policy is to state the Company's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is one that does not have to be enforced; it comes from good leadership and fair supervision at all employment levels.

The best interests of the Company lie in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence and prepare the employee for satisfactory service in the future.

Although employment with the Company is based on mutual consent, both the employee and the Company have the right to terminate employment "at will," with or without cause or advance notice.

With respect to most disciplinary problems, progressive disciplinary action will normally follow these steps:

1. verbal warning
2. written warning and/or suspension from work (with or without pay)
3. termination of employment

Depending on the severity of the problem and the number of occurrences, there may be circumstances when one or more steps are bypassed.

The Company recognizes that there are certain types of employee problems that are serious enough to justify either a suspension or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct and Work Rules Policy in this Handbook include examples of problems that may result in immediate suspension or termination of employment. Some of the problems listed are not all necessarily serious offenses, but are examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting the employee and the Company.

## **Disciplinary Actions/Termination**

Disciplinary action may be required as a result of, but not limited to, an employee's violation of Company policy, violation of Employee Conduct and Work Rules or poor job performance.

The Company may use progressive discipline at its discretion.

If an employee is terminated with cause, a final paycheck will be issued for hours worked during the current pay period. Unused vacation time will be forfeited.

## **Voluntary Termination**

An employee who plans to terminate employment with the Company must provide written notice to his/her immediate supervisor or the General Manager at least two full weeks prior to the anticipated last day of work.

If a written notice is given and the employee works the last two weeks, the employee may be paid at his/her current rate for unused vacation time.

## **Consumption of Alcohol**

Employees are not allowed to consume alcohol prior to or at any time during their shift. Under no circumstances are employees allowed to serve alcohol to other employees. Our guests are entitled to 100% performance and even the slightest suggestion of alcohol use can damage a guest's view of our facilities and personnel.

It is against the law for a minor to consume alcoholic beverages and it's also unlawful to serve a minor. All servers and bartenders are responsible for enforcement of these laws and failure to follow these laws could lead to dismissal as well as a fine by the State of Minnesota.

## **Smoking**

In keeping with the Company's intent to provide a safe and healthful work environment, smoking is prohibited inside all Company facilities.

Employees and guests who choose to smoke may do so outside the facilities only. On-the-clock employees should restrict smoking to their break time and meal periods only.



## ATTENDANCE POLICIES

### Attendance/Punctuality/Absenteeism/Tardiness

To maintain a safe and productive work environment, the Company expects employees to be reliable as well as punctual when reporting to work. Absenteeism and tardiness place a burden on other employees and on the Company.

In the rare instances when an employee cannot avoid being late to work or is unable to work as scheduled, he/she should notify their supervisor as soon as possible in advance of the anticipated tardy/absence but at least within one hour of the start of his/her workday.

More than three (3) attendance “incidents” in a 90-day period is considered excessive absenteeism and is not acceptable. An incident is defined as having missed work in a consecutive period of time for the same issue. Employees may be required to provide documentation (e. g. a doctor’s note, tow truck receipt, police report, etc.) for each incident.

Whether excused or not, excessive absenteeism or tardiness is subject to disciplinary action up to and including termination from the Company.

Any extended absence of 3 days or more requires a written note from the treating physician.

An employee planning to take personal time off must receive permission from his/her immediate supervisor at least one day in advance of the planned absence.

### Hours of Work

Hours and length of shift vary by season. Scheduling is based on an employee’s ability, performance, attitude, knowledge and availability – not on seniority. Employees are encouraged to arrive 5-10 minutes before their scheduled shift begins but may not *clock-in* more than 5-10 minutes before their shift begins unless approved by management.

### Family and Medical Leaves of Absence

To be eligible for leave under this policy, an employee must have been employed for at least 12 consecutive months and must have worked at least 1250 hours during the 12 month period preceding the commencement of the leave. Employees must also be employed at a worksite location where there are at least 50 employees or there must be 50 employees within 75 miles of the worksite.

Some employees may not be eligible for leave depending on where they work and how long they have worked for the Company. In addition, under certain conditions, “key” employees may not be eligible to return to their previous positions if they elect to take FMLA leave. Please contact your supervisor if you have questions about your eligibility.

Certain family and medical leaves of absence shall be defined as *approved absences* for eligible employees. If approved, 12 weeks of unpaid leave per 12-month period may be taken for the following reasons:

- birth of a the employee’s child
- placement of a child with the employee for adoption or foster care
- when the employee is needed to care for a child, spouse or parent who has a serious health condition

- when the employee is unable to perform the functions of his or her position because of a serious health problem

The provisions of this policy shall apply to all family and medical leaves; however, if an employee is entitled to paid leave under another benefit plan or policy, the employee must take the paid leave first and it will run concurrent with FMLA time off. The employee's total available leave time may still be limited to 12 weeks in the given 12-month period.

Our current policy is to measure the 12-month period by the "rolling look-back" method, which measures the twelve-month period backward from the date the employee uses FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the twelve weeks that has not been used during the immediately preceding 12 months.

Example 1: If an employee has taken eight weeks of leave during the past twelve months, he/she can take an additional four weeks of leave.

Example 2: If an employee used four weeks of leave beginning February 1<sup>st</sup> of the current year, four weeks beginning August 1<sup>st</sup> of the current year and four weeks beginning December 1<sup>st</sup> of the current year, the employee is not entitled to any additional leave until February 1 of the following year. However, beginning February 1<sup>st</sup> of the following year, the employee is entitled to only an additional four weeks of leave; on August 1<sup>st</sup> the employee is entitled to four more weeks; and on Dec. 1<sup>st</sup>, the employee is entitled to four more weeks.

When the need for leave is foreseeable, such as the birth/adoption of a child or planned medical treatment, the employee must provide notice 30 days in advance and make an effort to schedule leave so as not to disrupt Company operations.

For emergency treatment or hospitalization, the employee or family member is to notify the employee's supervisor as soon as possible. The need for leave will be required to be supported by a certification issued by the health care provider of the employee or the employee's ill child, spouse or parent.

Medical recertification may be required every 30 days. In cases of illness, the employee will be required to report periodically on his/her leave status and intention to return to work. If during FMLA leave an employee decides not to return to work, he/she must immediately notify his/her supervisor. An employee's failure to return to work at the end of a FMLA leave of absence may be treated as a voluntary resignation.

If the employee pays a portion of the premium for his/her Company's group insurance coverage, the employee is advised to continue paying these contributions during the period of unpaid leave in order to retain his/her group insurance coverage. The employee should make these arrangements with his/her supervisor. In certain instances, an employer may recover its share of health insurance premiums from an employee who fails to return to work after the employee's FMLA leave has expired or been exhausted.

Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits provided by such laws will apply.

Please consult the bulletin board at your worksite for other information regarding Family and Medical Leave or you may contact your supervisor to request forms or further information.

## **Leave of Absence Other Than FMLA**

A request for a leave of absence of up to 30 days without pay will be considered on the basis of the employee's work performance, the reason for the request, length of service and the Company's workload.

Leaves of absence may be extended for an additional 30 days if approved by the General Manager of the Company.

A leave of absence for reasons other than health is not normally granted to employees with less than one year of service.

Depending on business necessity, the Company cannot guarantee the employee's position will be available upon the employee's return. Return to work from a leave of absence will be dependent upon existing job openings.

If an employee does not return to work upon expiration of an approved leave of absence, it will be assumed the employee has voluntarily resigned.

## **Excused Absences**

Excused absences may be granted for the following reasons: personal illness, injury, death of an immediate family member, jury duty, court appearances and pre-approved time-off. It is the employee's responsibility to provide the supervisor/management with oral and written notification, when appropriate.

## **Military Service**

If an employee is a member of any U.S. Military branch of service or state militia group (e.g. National Guard), he/she may take the necessary time off to fulfill this obligation and he/she will retain all legal rights for continued employment under existing laws.

## **Job Abandonment**

Failure to report to work and to call the office for more than two consecutive days will be considered job abandonment and will result in one or all of the following actions: suspension, demotion or termination of the employee.

## SAFETY POLICIES

### Safety

All accidents, including those resulting in injury, must be reported to your supervisor or the safety coordinator immediately. In most cases this must be done in writing using the appropriate required form. Ask your immediate supervisor if you are not sure of this procedure.

Failure to properly notify your worksite supervisor of any job-related illness or injury could jeopardize your worker's compensation claim. Always notify your supervisor promptly of any job-related accident or injury to you or to any of your teammates. In all cases, do this on the day the accident occurs; *never* wait until the next day!

Falsely stating or making claims of injury may subject you to criminal prosecution for filing a fraudulent worker's compensation claim.

### Weapons

The Company bans guns from all business premises and prohibits employees from carrying or possessing firearms while acting in the scope of Company employment. Effective with the May, 2003 Minnesota Citizens' Personal Protection Act ("the Act"), commonly referred to as "the conceal-carry law," the Company bans guns on all of its facilities and properties.

Possession of dangerous or deadly weapons, including but not limited to firearms or knives, on or off worksite premises while performing job-related duties is strictly prohibited.

Violation of this policy will result in the individual being asked to leave, authorities may be contacted and the violator may be fined.

If an employee or a guest possesses a firearm, knife, etc., the item should be locked in his/her vehicle, left at home or in any other safe place where such weapons are allowed.

### Each Employee Must ...

- Comply with safety policies and supervisor instructions.
- Report unsafe conditions or equipment.
- Report all injuries and "close calls" to his/her supervisor immediately.
- Refrain from unsafe behavior or endangering other employees.
- Assume responsibility for his/her conduct and actions.
- Ask questions when unsure of safe work procedures.
- Use all safety equipment and devices provided for his/her protection.
- Report activities occurring in the workplace when considered unsafe or illegal.
- Not jeopardize his/her safety through drug or alcohol use.
- Submit to medical care, drug or alcohol testing and/or any other treatments provided by the Company for any work-related injury.
- Demonstrate a positive verbal and visual example for other employees to follow.

Violation of any of the above rules may lead to disciplinary action up to and including termination.

### **Use of Personal Vehicles for Company Business**

Company employees must have in his/her possession a valid driver's license and proof of liability insurance on the personal vehicle used for Company business.

Employees who are conducting Company business are expected to obey speed limits and local traffic laws as well as wear seatbelts.

Any fines incurred as a result of a driving or parking violation shall be paid by the employee.

## **DRUG FREE WORKPLACE POLICY**

*(This policy must be provided to employee and job applicant)*

### **Statement of Policy**

The Company is committed to providing a safe work environment that fosters the well-being and health of its employees. That commitment is jeopardized when any of our employees use drugs on the job; comes to work under the influence; possesses, distributes or sells drugs in the workplace. The term “drug” includes alcoholic beverages and prescription drugs, as well as illegal inhalants and illegal drugs.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, drug-free workplace environment. Drugs will not be tolerated at any Company worksite. Also abuse of prescribed medications and over-the-counter drugs will not be tolerated at any Company worksite.

With these basic objectives in mind, we have established the following policy:

- A. It is a violation of policy for any employee to possess, distribute, sell, trade or offer for sale drugs or otherwise engage in the use of drugs on the job.
- B. It is a violation of policy for any employee to report to work under the influence of illegal drugs.
- C. It is a violation of policy for any employee to misuse prescription drugs which may affect his/her performance at work.
- D. Violations of this policy subject the employee to disciplinary action up to and including termination.

### **Employer Requirements**

At the initial job interview, the employer must provide each employee or job applicant a copy of the Company’s drug and alcohol policy with an acknowledgment receipt. Before requesting an employee or job applicant to undergo drug or alcohol testing, an employer must provide the employee or job applicant with a form, developed by the employer, on which to acknowledge that the employer or job applicant has seen the employer’s drug and alcohol testing policy (Sec. 181.953 (6) (a), as amended by Ch. 180 (S.575), L. 1997, effective August 1, 1997).

### **Testing**

Employees will be tested for applicable levels of drugs and/or alcohol as established by the Company and applicable local, state or federal laws or regulations.

#### *A. Pre- Employment Testing*

We reserve the right to conduct pre-employment drug testing. When pre-employment testing is implemented, the testing will be conducted for all applicants in a job classification who are tendered a conditional offer of employment. Applicants may be required to voluntarily submit to a test at a collection site chosen by the employer, and will be required to sign a consent agreement which will release the employer from liability. The conditional offer of employment will be withdrawn for an applicant who tests positive on a confirmatory test or

refuses to submit to the requested testing. The conditional offer of employment will follow the following procedures:

- 1) If an applicant's drug test result is *negative*:
  - a) Applicant must be notified in writing of negative test result.
  - b) Employment will begin as agreed.
- 2) If *positive* results but *negative confirmatory* test result:
  - a) Applicant must be notified in writing within three working days of employer receiving final test report.
  - b) Applicant must be given opportunity to receive a copy of confirmatory test results
  - c) Employment begins as agreed.
- 3) If *positive* results and *positive confirmatory* test result:
  - a) Applicant must be notified in writing within three working days of employer receiving final test report.
  - b) Applicant must be given opportunity to receive a copy of confirmatory results.
  - c) Applicant must be given opportunity to explain circumstances of results and request another confirmatory re-test at his/her own expense. [The request must be made in writing within five working days of being notified of the positive confirmatory test results.]
  - d) Employer must notify the original testing laboratory within three working days or receiving the applicant's request notice to either conduct the confirmatory re-test or transfer the sample to another licensed laboratory to conduct the confirmatory re-test [Sec.181.953 (9)].

We will not discriminate against applicants for employment because of past abuse of drugs. It is **current abuse** of drugs which prevents employees from properly performing their jobs and will not be tolerated.

#### *B. Current Employee Testing*

All current employees are subject to drug and alcohol testing as described below. Employer must also comply with the following employee drug test result procedures [Sec.181.953 (6) thru Sec. 181.953 (11)]:

- 1) If employee drug test result is negative:
  - a) Employee must be notified in writing within three working days of negative test result.
  - b) No further action required.
- 2) If employee drug test result is positive but negative confirmatory test result:
  - a) Employee must be notified in writing within three working days of employer receiving final test report.
  - b) Employee given opportunity to receive a copy of confirmatory test results.
  - c) No further action required.
- 3) If drug test results is positive and positive confirmatory test result:

- a) Employee must be notified in writing within three working days of employer receiving final test report.
  - b) Employee given an opportunity to receive a copy of confirmatory test results.
  - c) Employee given the opportunity to explain the circumstance of results and request another confirmatory re-tests at his/her own expense. The request must be made in writing within five working days of being notified of the positive confirmatory test results.
  - d) Employer must notify the original testing laboratory within three working days of receiving Employee's request notice to either conduct the confirmatory re-test or transfer the sample to another licensed laboratory to conduct the confirmatory re-test [Sec. 181.953(9)].
- 4) Employees have the right not to be terminated on the first confirmatory positive drug test, unless he/she refused to participate in or failed to complete a counseling or rehabilitation program.

Employer will refer employees to a certified independent laboratory that will test urine specimen(s) for the initial test for all drugs except alcohol and for the confirmation of all drugs except alcohol. Blood or breath analysis will be used for the initial and confirmation test for alcohol. It shall be a condition of continued employment for all employees to submit specimen(s) for analysis based upon the following:

1. *Reasonable Suspicion Testing*

Reasonable suspicion or circumstances that could be indicators of a drug problem and considered reasonable suspicion are:

- (a) Observed drug use during work hours or on worksite premises.
- (b) Apparent physical state of impairment.
- (c) Incoherent mental state.
- (d) Noticeable changes in personal behaviors that are otherwise unexplainable.
- (e) Deteriorating work performance that is otherwise unexplainable.
- (f) Accidents, personal injuries or other actions that provide reasonable cause to believe the employee may be under the influence of drugs.

2. *Post-Accident Testing*

Any employee involved in or otherwise causing a job-related accident which requires medical treatment by a company physician or by hospital/ clinic medical personnel may be required to take a drug test immediately following the accident or at the time of initial treatment by a medical care facility.

Any employee involved in or otherwise causing an accident resulting in damage to worksite property or to another's property while the employee is conducting company business may be required to take a drug test. Also, "near miss" incidents, where there is no personal or physical damage or injuries will be evaluated and determination will be made if there is cause to test for drugs for any or all employees involved.



### 3. *Random Testing*

We also reserve the right to conduct random drug testing. All full-time and part-time employees in safety-sensitive positions may be randomly tested. A computer program or other independent, bias-free method of name selection will be used to ensure that employees to be tested are randomly selected.

### *C. Grounds for Discipline or Termination*

An employee in possession of, selling/purchasing, attempting to sell/ purchase drugs or having body concentrations of drugs above the applicable levels established by the Company and applicable local, state or federal laws or regulations while at work, or on company business, is guilty of misconduct and is subject to discipline, up to and including termination. Employees and applicants may refuse to submit to requested drug testing; however, failure to submit to request drug testing is misconduct and is grounds for discipline, up to and including termination. Reporting to work under the influence of drugs or using drugs while at work is prohibited and may be grounds for discipline, up to and including termination.

Any disciplinary or adverse action or any termination due to drug testing results must be based upon confirmatory test verifying a positive result on an initial screening test plus the employee refusal to participate in or failed to complete a counseling or rehabilitation program. Employees and job applicants have the right to explain positive test results on a confirmatory test or to request and pay at his or her expense for a confirmatory re-test.

### *D. Post Rehabilitation Testing*

Depending on your worksite, a positive test result may be treated in one of the following fashions. Your supervisor will explain which policy is used at your location.

1. An employee who has tested positive will have the option of entering rehabilitation at his/her own expense. Upon proof of entering a rehabilitation program, and a subsequent negative drug test, the employee will be allowed to return to work. The employee must agree to follow-up drug testing for 12 months at dates and times specified by your employer. Employees who do not comply with these conditions, or who test positively at any time during or following rehabilitation will be terminated from employment.
2. An employee who has tested positive for drug abuse will be placed on probation and will be subject to random drug testing during the probationary period. If, at any time, the employee tests positive a second time during the probationary period, the employee will be terminated immediately.

When applicable and as required by certain state statutes, employees will be provided with separate documentation regarding a description of available treatment for substance abuse.

Employees may be granted leave with a conditional return to work depending on a successful completion of the agreed upon rehabilitation program and scheduled or random testing for the next 12 months. On the other hand, using admittance to a rehabilitation program for drug or alcohol abuse will not be a defense to disciplinary action after a positive test result. Accordingly, the purpose and practices of this policy

and a rehabilitation program are not in conflict, but a distinctly separate in their applications.

#### *E. Release of Test Results*

Within three working days after receipt of a test result report from an independent testing laboratory, an employer shall inform *in writing* an employee or job applicant who has undergone drug or alcohol testing of ...

- (1) a negative test result on an *initial screening test* or if initial screening test is positive, of a negative or positive test result on a *confirmatory test*
- (2) and the right of the individual to request and receive a copy of the test results from the employer. [Sec 181.953 (7)].

Release of test results and issues concerning test results will be administered in accordance with state and federal laws.

#### **Special Drug-Free Workplace Provisions as Regulated by Federal Government Agencies**

Some worksites are subject to the Drug Free Work Place Act of 1988 (DFWPA), the Department of Transportation (DOT) regulations, which include testing truck drivers, specified aviation activities, hazardous liquid pipeline operations, and commercial waterway vessels. Special policy provisions and training are available to those worksites regulated by the Federal Government.

An employee may request in writing access to testing records.

This policy is intended to comply with Minnesota Statutes 181.950 to 181.957.