

Crew Member Handbook



Introductory Statement:

Dear Crew member:

We are delighted to welcome you to Tropical Smoothie Café. We hope your workplace experience here is enjoyable. You have been given this opportunity because we feel confident that you are the type of person that can be successful with this company.

Tropical Smoothie Cafe has always emphasized that outstanding people are the key to success. Our strength and future growth depend on the contributions made by you and each person within our organization. We are proud to have you as part of our team. To ensure continued success, we feel it is important that all crew members understand our policies and procedures. This Handbook will familiarize you with the various aspects of working with us.

Description of Crew Member Handbook:

This Crew Member Handbook contains information about the employment policies and practices of Tropical Smoothie Cafe. We expect each employee to read this Crew Member Handbook carefully, as it is a valuable reference for understanding your job and the Company. This Crew Member Handbook supersedes all previously issued Crew Member Handbooks and inconsistent verbal or written policy statements.

Tropical Smoothie Cafe reserves the right to revise, delete and add to the provisions of this Crew Member Handbook. However, all such revisions, deletions or additions must be in writing. No oral statements or representations can change the provisions of this Crew Member Handbook. Furthermore, no manager or supervisor has any authority to enter into a contract of employment, express or implied, that changes or alters the at-will employment relationship. Only Tropical Smoothie Cafe has the authority to enter into an employment agreement that alters the at-will employment relationship, and any such agreement must be in writing signed by that individual.

Not all of our policies and procedures are set forth in this Crew Member Handbook. We have summarized only some of the more important ones. If you have any questions or concerns about this Crew Member Handbook or any other policy or procedure, please ask Michael Kort, the President of Tropical Smoothie Cafe. This Crew Member Handbook does not prohibit protected conduct or communications relating to your wages, hours or working conditions, or any other conduct protected by Section 7 of the National Labor Relations Act.

See you in the café!

Tropical Smoothie Cafe

Michael Kort

President

LEGAL THINGS YOU SHOULD KNOW ABOUT Tropical Smoothie Cafe

Whether you have just joined our team or have been with us for a while, we are confident that you will find our Company a dynamic and rewarding place to work. We look forward to a productive and successful association. We consider you, the crew member, to be one of our most valuable resources. This Crew Member Handbook has been written to serve as the guide for you and for us.

Several things are important to keep in mind about this Handbook. First, it contains only general information, highlights and guidelines. It is not intended to be comprehensive or to address every possible situation. For that reason, if you have any questions concerning a particular benefit, policy, or other issue, please contact Michael Kort.

This summary of benefits and policies is not a contract of employment between you and the owner. Your employment is not for any specific time.

Second, the procedures, practices, policies and benefits described here may be modified, discontinued or changed from time to time. We will inform you in writing of changes as they occur.

CREW MEMBER FACT SHEET

Your manager(s) name(s) is (are):

The café phone number is:

The café address is:

The café hours of operations are:

Paydays are:

Every other Friday

Direct deposit/pay card deposits are available on:

Our payroll company is:

Paymasters c/o Patti Fromme, Jetpack Management, 248-629-7328

The Area Developer or Franchise Business Consultant's number is:

*The business week begins on Monday and ends on Sunday for this Tropical Smoothie Café.

INTRODUCTORY EMPLOYMENT PERIOD

Every new crew member goes through an initial period of adjustment in order to learn about the café and about his or her job. During this time, the crew member will have an opportunity to find out if he or she is suited to, and likes, his or her new position. Additionally, the introductory employment period provides the crew member's manager/owner a reasonable period of time to evaluate his or her performance. The introductory employment period is normally ninety (90) days.

Under appropriate circumstances, the introductory employment period may be extended. Additionally, as is true at all times during a crew member's employment with us, employment is not for any specific time and may be terminated at-will, with or without cause and without prior notice.

At the end of the introductory employment period, the crew member and his or her manager/owner may discuss his or her performance.

EMPLOYMENT AT-WILL

Employment with Tropical Smoothie Cafe is at-will. This means that employment may be terminated for any or no reason, with or without cause or notice at any time by you or by the Company. Nothing in this Handbook or any oral statement shall limit the right to terminate at-will. Only Tropical Smoothie Cafe has the authority to enter into an agreement for employment other than at-will and then only in writing. Unless you have a written agreement for continued employment signed by you or your authorized representative and the Tropical Smoothie Cafe, you are an at-will crew member.

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

Tropical Smoothie Cafe is an Equal Opportunity Employer, which means we maintain a policy of nondiscrimination with all crew members and applicants for employment. All aspects of employment with us are governed based on merit, competence and qualifications, and will not be influenced in any manner by race, color, religion, sex, age, pregnancy, marital status, national origin, disability, citizenship status, genetic information, veteran status or any other protected status in accordance with applicable federal and state laws. The Company also complies with federal immigration laws, which requires the hiring of only those people legally eligible to work in the United States.

It remains our goal to hire the most qualified megastars for the café. All decisions made with respect to recruiting, hiring and promotions are based solely on individual qualifications related to the requirements of the position. Likewise, all other personnel matters (such as compensation, benefits, transfers and social or recreational programs) are administered free from any discrimination.

AMERICANS WITH DISABILITIES ACT POLICY STATEMENT

Tropical Smoothie Cafe is committed to complying with all applicable provisions of the Americans with Disabilities Act (“ADA”). It is our policy not to discriminate against any qualified crew member or applicant with regard to any terms or conditions of employment because of such individual’s disability, perceived disability or record of disability, so long as the crew member can perform the essential functions of the job with or without reasonable accommodation. Consistent with this policy of nondiscrimination, we will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA or other applicable law, who has made us aware of his or her disability, provided that such accommodation does not constitute an undue hardship on us.

Applicants or crew members with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Manager. We encourage individuals with disabilities to come forward and request reasonable accommodation.

FAIR LABOR STANDARDS ACT (FLSA)

The Fair Labor Standards Act (FLSA) was established by the federal government to provide criteria for employee wages, hours and working conditions. Under the FLSA, businesses are required to pay the federal minimum wage, or state minimum wage if higher, and to pay overtime on hours in excess of 40 hours per week at the rate of one and a half times the employee’s basic rate for non-exempt employees. The minimum wage and overtime provisions established by the FLSA do not cover employees classified as “exempt.” Michael Kort will evaluate the exempt status of each position. “Non-exempt” crew members are not allowed to work “off the clock” and all of their hours worked must be recorded and reported. If applicable, overtime must be paid.

Based on the conditions of employment, crew members fall into the following categories:

- Full-Time
- Part-Time

Full-time crew members are persons who work a minimum of thirty-five (35) hours per week and are expected to generally work the standard forty- (40) hour work week. Part-time crew members work a regular schedule up to thirty-four (34) hours per week.

OVERTIME PAY

It is our policy to comply with the provisions of the federal Fair Labor Standards Act and all applicable state overtime laws.

Depending on work needs, crew members will be required to work overtime when requested to do so. Prior approval of a manager/owner is required before any non-exempt crew member works overtime. Crew members working overtime without approval will be paid for all time worked, but will be subject to corrective action up to and including termination.

Non-exempt crew members will receive overtime pay at the rate of one and one half times (1½) their regular hourly rate for hours worked beyond 40 in a work week. Hours worked, as defined, does not include the following paid time off hours: Personal, vacation, paid holiday, Overtime will be paid following the pay period

in which overtime is worked. For purposes of calculating overtime for non-exempt crew members, the workweek begins on Monday and ends on Sunday.

PROHIBITION AGAINST “OFF THE CLOCK” WORK

Hourly crew members must record all time worked each day. Crew members’ arrival, departure and meal break times must be recorded accurately through the timekeeping system. In addition, when a crew member receives a paycheck, he or she should verify immediately that all working time was recorded accurately and that he or she was paid correctly for all hours worked.

Hourly crew members are absolutely prohibited from working “off the clock” (i.e., without reporting the time worked). Hourly crew members may not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless directed to do so by a manager/owner.

If an hourly crew member is directed to perform any extra or overtime work by a manager/owner, that crew member must be “clocked in” and fully paid for all time worked. If an hourly crew member has any questions about when or how many hours he or she is expected to work, that crew member should contact the manager/owner immediately.

TIME RECORDS

The attendance of all crew members is recorded daily and is submitted to payroll according to the established weekly schedule. The attendance records are our records, and care must be exercised in recording the hours worked, overtime hours and absences. Crew members are not to clock in or out for other crew members. Altering, falsifying, tampering with time records or recording time on another crew member’s time record may result in appropriate disciplinary action, up to and including termination.

All hours worked must be accurately recorded. The crew member’s manager/owner must review and approve hours worked at the end of each week and confirm them to be accurate. Overtime worked must be reviewed and approved by a manager/owner each day and confirmed to be accurate.

HOW YOU’RE PAID

Paychecks are processed bi-weekly for base compensation. Paydays are every other Friday. If you have questions about deductions from your pay, if you believe you have been subject to any improper deductions or if your pay does not accurately reflect your hours worked, please contact your manager.

AGE REQUIREMENTS

The minimum age requirement for employment is 16 years old. There may be some positions that require an individual to be a minimum of 18 years of age. Crew members under 18 years of age may be restricted from using certain equipment, and the manager/owner in charge will ensure that only crew members who meet the minimum age requirements will operate such equipment. These requirements have been established in order to comply with all local, state and federal laws.

We abide by all applicable local, state and federal laws regarding the employment of minors, including but not limited to obtaining and maintaining employment certificates, work permits and/or documents showing proof of minor’s age. We also abide by all local, state and federal laws regarding the permissible number of hours and

time of day that a minor may work.

RELIGIOUS ACCOMMODATION

We will attempt to make reasonable accommodations for crew members' observance of religious holidays and sincerely held religious beliefs, unless doing so would cause an undue hardship on operations. If you desire a religious accommodation, you are required to make the request in writing.

LACTATION ACCOMMODATION

Tropical Smoothie Cafe will provide a reasonable amount of break time to accommodate a team member desiring to express breast milk for the team member's child. Team members needing breaks for lactation purposes may use ordinary paid rest breaks or may take other reasonable break time when needed. The lactation break time, if possible, should run concurrently with scheduled rest breaks and meal periods already provided to the team member. If the lactation break time cannot run concurrently with rest and meal periods already provided or additional time is needed for the team member, the lactation break time will be unpaid. Where unpaid breaks or additional time are required, the team member should work with her manager regarding scheduling and reporting the extra break time as unpaid. Where state law requires a specified time for a lactation break during each portion of a workday, Tropical Smoothie Cafe will comply with such requirements.

Tropical Smoothie Cafe will provide team members with the use of a room or a private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from coworkers and the public. Tropical Smoothie Cafe will make a reasonable effort to identify a location within close proximity the café for the team member to express milk. Team members should discuss with their manager the location for storage of expressed milk. Team members may also provide their own portable small storage unit or cooler for keeping expressed breast milk cold.

NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

We are committed to providing a work environment free of discrimination and harassment. As a result, we maintain a strict policy prohibiting discrimination or harassment because of race, color, religion, sex, age, national origin, disability, pregnancy or related medical conditions, genetic information, veteran status, marital status or any other protected characteristic as established by local, state or federal law. All such discrimination or harassment is absolutely prohibited and applies to all persons involved in operations and prohibits discrimination or harassment by any crew member (including managers and coworkers).

Sexual Harassment Defined

Sexual harassment includes unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or

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- Such conduct has the purpose or effect of unreasonably interfering with a crew member's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment includes various forms of offensive behavior. The following is a partial list:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters, social media postings, text messages, e-mails, etc.
- Verbal conduct: making or using derogatory comments, epithets, slurs, or sexually explicit jokes or comments about an crew member's body or dress
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations
- Physical conduct: touching, assault, impeding or blocking movements
- Retaliation for making harassment reports or threatening to report harassment

This policy also protects crew members from harassment by vendors or customers. If harassment occurs on the job by someone not employed by us, the procedures in this policy should be followed.

Other Types of Harassment

Prohibited harassment on the basis of race, color, national origin, ancestry, religion, physical or mental disability, age or any other protected basis, includes behavior similar to sexual harassment such as:

- Verbal conduct including threats, epithets, derogatory comments or slurs;
- Visual conduct including derogatory posters, photography, cartoons, drawings or gestures; social media, text messages, e-mails, etc.;
- Physical conduct including assault, unwanted touching or blocking normal movement;
- Retaliation for making harassment reports or threatening to report harassment.

It is a violation of Tropical Smoothie Cafe policy for one crew member to harass another crew member, or for a non-crew member to harass a crew member. It is the responsibility of all to maintain a work environment free of harassment on any of these bases and to inform crew members about the policy on such harassment. In addition, crew members are expected and required to report known situations involving such harassment. It is the crew member's responsibility to report all incidents of such harassment pursuant to the complaint procedure referenced below. Incidents not reported cannot be investigated.

ANTI-RETALIATION POLICY

We will not tolerate retaliation of any kind based on any good faith complaint of discrimination or harassment based on any protected category. Claims of discrimination, harassment or retaliation will be promptly investigated after they are reported.

INVESTIGATION OF ALLEGATIONS OF DISCRIMINATION, HARASSMENT, OR RETALIATION

If you believe that during the course of your employment, you have been subjected to any form of unlawful discrimination, treatment, harassment or have been retaliated against for participation in a protected activity or for opposing unlawful activity, you must report the facts of the incident(s) immediately to your manager, and a representative will promptly and thoroughly investigate all claims to ensure that appropriate action is taken. We will make every effort to protect the privacy and confidentiality of all parties involved to the extent possible, consistent with a thorough investigation.

Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as we believe appropriate under the circumstances.

COMPLAINT PROCEDURE

Reporting an Incident of Harassment, Discrimination or Retaliation

The manager/owner requires the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Any individual who believes that he or she has been discriminated against, harassed or retaliated against by a coworker, manager/owner, client, vendor or customer, or who is aware of the discrimination or retaliation against, or harassment of, other crew members, must immediately provide a written or verbal report regarding such incidents to his/her manager. Nothing can be done to remedy the problem if we don't know that it exists.

ROMANTIC OR SEXUAL RELATIONSHIPS AT CAFÉS

Tropical Smoothie Cafe is committed to ensuring that its crew members are able to work in a professional environment at its cafés. Certain romantic, intimate or close personal relationships between crew members working in cafés may affect the workplace, generate conflicts between work and personal obligations, create the appearance of favoritism or increase loss prevention risk. To help prevent these and other business-related problems, we may refuse to hire or place an individual in a position at the café where the potential for favoritism or conflict exists based on romantic, intimate or close personal relationships.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship, café crew members in romantic, intimate or close personal relationships may be separated by reassignment or terminated from employment, at the manager/owner's discretion.

SOCIAL MEDIA POLICY

Tropical Smoothie Cafe respects the right of crew members to use personal websites, social networking websites and blogs (weblogs) during non-working hours as a medium of self-expression. Crew Members should bear in mind, however, that their social media activity, even if done off premises and during non-working hours,

could affect Tropical Smoothie Cafe legitimate business interests. For example, the information posted could be the Company's confidential business information. In addition, some readers may mistakenly view you as a spokesperson for Tropical Smoothie Cafe. Consequently, social media activity is a legitimate and proper focus of Company policy.

Tropical Smoothie Cafe Personal Social Media Policy has been developed for crew members who maintain personal blogs or who post content in social media about Tropical Smoothie Cafe business, products, services or crew members. This policy is also applicable to crew members who make such postings on the blogs or social networks of others. Unless expressly authorized by Michael Kort, these social media posts are personal expressions, not Tropical Smoothie Cafe communications. Tropical Smoothie Cafe crew members engaged in social media activity are personally responsible for their posts.

For purposes of this policy, "social media activity" includes all types of posts on the Internet, including but not limited to, posts on social networking or affinity sites (*e.g.*, Facebook, LinkedIn, Google+); blogs and other online journals and diaries (*e.g.*, Blogger, Tumblr); bulletin boards and chat rooms; microblogs (*e.g.*, Twitter); and posts of photographs, video or audio on media-sharing sites (*e.g.*, Flickr, Instagram, YouTube). "Social media activity" also includes permitting, or failing to remove, posts by others where the crew member can control the content of posts, such as on a personal page or blog.

Individuals who identify themselves as Tropical Smoothie Cafe crew members or who discuss matters related to Tropical Smoothie Cafe business may create the impression of speaking on behalf of Tropical Smoothie Cafe. For this reason, crew members engaged in social media activity are subject to, and must adhere to, the following rules and guidelines. Failure to adhere to this policy may result in legal action or discipline.

- If it will not be obvious from the content or context of a post, crew members must make clear that the views expressed in blogs or social networking websites are their own and do not necessarily represent the views of Tropical Smoothie Cafe. If you identify yourself anywhere on a website or blog as a crew member of Tropical Smoothie Cafe please make it clear to your readers in a prominent location on the blog or website that the views you express are yours alone and that they do not necessarily reflect the views of the Company. To reduce such possible confusion, we require that you put the following notice in a reasonably prominent place on your site (to the extent technically feasible): "The views expressed on this website/blog are mine alone and do not necessarily reflect the views of my employer."
- Identify yourself in endorsements. The Federal Trade Commission requires that endorsements be truthful and not deceptive. If your social media activity endorses the Company's products or services, *i.e.*, expresses opinions, beliefs, findings or experiences concerning the Company's products or services, you must disclose your name and position with Tropical Smoothie Cafe. Unless Tropical Smoothie Cafe has approved any such endorsement in writing and in advance, you should specifically state, "The views expressed in this post are my own. They have not been reviewed or approved by Tropical Smoothie Cafe."
- Crew Members must always respect confidential and trade secret information. Therefore, employees may not disclose confidential or trade secret information about Tropical Smoothie Cafe, its customers, vendors, parents, subsidiaries or affiliates.
- Crew Members must respect copyrights. Therefore, crew members should not post any copyrighted material unless they are the copyright owner, have obtained the written permission of the copyright owner to post the copyrighted material or the use of copyrighted material is permitted by the legal doctrine of "fair use." It is the crew member's responsibility to comply with copyright laws. Tropical Smoothie Cafe cannot and will not provide crew members with legal advice regarding copyright laws.
- The Company reserves the right to monitor social media activity to the fullest extent permitted by applicable law. The Company may require that you confine your website or blog commentary to topics unrelated to the Company if it believes this is necessary or advisable to ensure compliance with securities regulations and other laws.

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- Crew members must obey the law. Therefore, crew members should not post any material about the Company or our customers or vendors that is obscene, defamatory, profane, libelous, threatening, harassing, abusive or hateful, or that violates Company policy.
 - Crew Members are legally responsible for the content of their social media activity and can be held personally liable for such content.
 - Tropical Smoothie Cafe general crew member policies also apply to crew members' social media activity. As a condition of employment with Tropical Smoothie Cafe, crew members agree to abide by the policies contained in this Crew Member Handbook.
 - A crew member's social media activity may not interfere with the crew member's job or work-related commitments to Tropical Smoothie Cafe or its customers.

Tropical Smoothie Cafe will not construe or apply this policy in a manner that prevents crew members from communicating with each other about wages, hours or other terms and conditions of employment.

WORKPLACE VIOLENCE

It is our goal to provide a safe and productive workplace free of acts or threats of violence, as well as to effectively respond in the event that acts or threats of violence do occur. To this end, crew members, customers, vendors or anyone else on company property is prohibited from using violent or threatening behavior. Crew members should contact their manager or Michael Kort immediately during any instance of workplace violence.

DRUG & ALCOHOL FREE WORKPLACE

It is our goal to provide a safe and healthy work environment for all crew members and to ensure the highest quality of service to our customers. To achieve this goal, we prohibit any crew member from engaging in the following behaviors while in the workplace or on Company property (including parking lots):

- Unlawfully distributing, possessing, selling or using illegal drugs.
- Abusing, misusing, or illegally using legal or prescription drugs.
- Being under the influence of illegal drugs, including legal or prescription drugs taken for reasons other than their intended purpose.
- Coming to work with alcohol in one's system or consuming alcohol while working, while on property, (including parking lots) or while operating any vehicle on Tropical Smoothie Café business.

SMOKE FREE WORKPLACE POLICY

Tropical Smoothie Café provides a work environment that is smoke-free. Smoking is strictly prohibited inside any Tropical Smoothie Café location or building. Crew members may only smoke outside in designated locations away from front entrances or exit doors.

CAFÉ TELEPHONE POLICY

We strive to deliver "amazing" with every interaction; therefore, it is important that we keep our lines of communication open for our customers. Personal calls are not allowed except in an emergency or to let someone know when to pick you up from work.

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- Customers may use the café phone for order verification or emergency use only.
 - All crew member phone numbers are confidential and should not be given to anyone outside of the company.
 - Emergency numbers are available in employee personnel files.

CELL PHONE

We recommend that cell phones remain locked in the crew member's vehicle or not be brought to work. Crew members are allowed to make personal calls on their personal cell phones in the designated area during breaks. Under no circumstance should a crew member be behind the counter on a personal call, texting, or otherwise using a cellular device. Cellular phones must be turned off while working. We recognize that some cell phones have the capability to take photographs or video. Because this capability could allow for theft of trade secrets or expose confidential information, you are prohibited from taking photographs or video anywhere on company premises.

EMPLOYMENT FILE

To keep necessary records up-to-date, it is extremely important that you notify the manager/owner of any changes in:

- Name and/or marital status
- Address and/or telephone number
- Number of eligible dependents
- W-4 deductions
- Emergency contact information

Crew members may ask to inspect their own employment file in the presence of a manager/owner. Please schedule a time if you wish to inspect your personnel file. Crew members will not be allowed to view investigation records or any letters of reference. You will be provided access to personnel records in accordance with all applicable state laws.

CASH REGISTER POLICY

Café crew members will not be asked to payback "overage/shortage" amounts from assigned cash drawers. However, if persistent cash "overages and/or shortages" problems occur, this may result in disciplinary action up to and including termination of employment.

- Every crew member is responsible for all monies collected during his/her cash register assignment.
- At the end of each shift, every crew member is required to complete a sales/cash reconciliation report.
- Money shortages/overages should not exceed +/- \$3.00 for any shift. All discrepancies exceeding this limit may result in disciplinary action leading up to and including termination.

CAFÉ SECURITY AND SAFETY

Café safety and security is of great importance. By following these guidelines, you will maintain a safe work environment for yourself and others.

Back Door

The back door to any café should only be used for product deliveries and when taking out trash. Only the manager/owner in charge is allowed to open the back door and turn any alarms on or off. Failure to abide by this policy will result in disciplinary action up to and including termination of employment.

- The back door must be locked at all times. Keep all doors locked while working during non-operating hours.
- When emptying the trash, notify your fellow crew member(s) prior to exiting the café and complete the task quickly. Re-lock the door as soon you re-enter the premises. If you are working alone, do not attempt to take the trash out to the dumpster.
- Never allow unauthorized or unscheduled crew members behind the food preparation area. Do not allow any unauthorized individuals in the crew-member-only zones or in the café during non-operating hours.

Security

Managers are not allowed to give café keys and/or café codes (alarm codes, safe codes, MICROS codes, etc.) at any time to any non-authorized crew members. Be aware of all customers entering the café, as well as any persons in the parking lot. If you feel suspicious of certain persons or the situation, then call 911 and your manager/owner immediately. If a customer is verbally or physically abusive or harassing, then politely ask the customer to leave. If the situation persists, call 911 immediately! When possible, exit the café through the front door when working the night shifts.

Safety

Use all equipment with care and follow all guidelines for operation. When using cleaning products, do so according to label directions. Adhere to all food handling guidelines. No one under 18 years old may operate the dicer. **This is an OSHA LAW!** You must be properly trained before using this piece of equipment.

NOTICE OF INJURY

It is the responsibility of all Tropical Smoothie Cafe crew members to notify a member of management of any job-related injury, so as to treat or give adequate care to any wounds for the safety of our crew members and our customers. It is also our responsibility to file a worker's compensation claim with the state within 72 hours of any applicable incident. Tropical Smoothie Cafe will not be responsible for any crew member injuries while not at work. All injuries must be reported as soon as physically possible to the manager/owner.

WORK SCHEDULE AND ATTENDANCE

Typical café hours are:

- Monday – Friday 7am – 9 pm
- Saturday 8 am – 9 pm
- Sunday 9 am – 9 pm

SCHEDULED SHIFTS

Schedules are typically posted on Friday in advance of the upcoming work week. You are expected to be on time for all your shifts. Be in full uniform prior to clocking in for your shift. You must clock in and out for every shift. If you forget to clock in or out for a shift, immediately notify a manager/owner in writing of your actual work time.

ATTENDANCE, PUNCTUALITY AND DEPENDABILITY

Tropical Smoothie Cafe depends heavily upon its crew members, which is why it is important that you attend work as scheduled. Dependability, attendance, punctuality and a commitment to do the job right are essential at all times. As such, crew members are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time.

Unexcused Absences

If a crew member must be late or absent from his or her scheduled shift, it is their responsibility to personally call the manager/owner (reasonable accommodations should be made for crew members with a disability where necessary and appropriate) to report the absence as far in advance as possible and at least one (1) hour prior to the scheduled shift. "Call outs" cannot be made for a crew member by a parent, spouse, friend, etc., except in the case of a medical emergency in which the crew member is physically unable to communicate by telephone. Crew members are not allowed to communicate their absence or tardiness to their manager/owner via written communication (text message, e-mail, etc.).

Unexcused absences will not be tolerated. An unexcused absence is any absence where a crew member fails to notify his or her manager/owner at least one (1) hour prior to the start of the crew member's scheduled shift, except in instances where the absence has been preapproved by the manager/owner. You are responsible for keeping your manager/owner updated of your status at all times.

Excused Absences

Certain absences will be considered excused if arranged in advance and if the crew member has received prior approval in writing from his or her manager/owner. The following list includes examples of possible scenarios in which absences may be excused:

- Accidents which prevent a crew member from performing the job (supported by a health care provider's excuse that the crew member cannot perform the essential functions of the job).
- When the crew member is called into court, including jury duty (documentation will be required to support the absence).
- Severe illness or injury of a member of the crew member's immediate family that requires hospitalization or the crew member's care/assistance. The absence will also be excused if it constitutes protected leave under the Family Medical Leave Act or a similar state or local law.
- Health care provider and dental appointments or personal business with prior approval from the crew member's manager/owner when the appointment cannot be arranged during off-time hours.

ABSENCE NOTIFICATION PROCEDURE AND JOB ABANDONMENT

A crew member is expected to personally call in each day that he or she is absent from work. If the crew member is absent from work for more than three (3) days in a row, or if the crew member is unable to complete the

essential functions of a position and may require a reasonable accommodation, the crew member may be required to submit a physician's statement and/or to discuss with the manager/owner any potential need the crew member may have for an accommodation, in accordance with the Americans with Disabilities Act policy statement.

Excessive and/or frequent absenteeism and tardiness will result in corrective action, which may include immediate termination. If a crew member is absent from work three (3) or more consecutive days without an authorized leave, we will consider that the crew member has abandoned and voluntarily resigned from his or her employment with Tropical Smoothie Cafe.

TARDINESS

A crew member who is more than 10 minutes late will be considered tardy. If a crew member knows he or she will be over 10 minutes late to work, they should notify their manager/owner as soon as possible via telephone and must provide an approximate arrival time.

A crew member who incurs two (2) tardiness violations during one month will be subject to discipline. Frequent tardiness or violations of the attendance policy, in general, will not be tolerated, and may subject the crew member to corrective action, up to and including termination.

NO CALL NO SHOW POLICY

Within a one-year time frame, if a crew member has a "No call - No show" for a scheduled shift, the following discipline will apply:

- On the first occurrence of a "No call - No show", the crew member will be given a final written warning. If the failure to show or call is obvious, manager/owner reserves the right to suspend or terminate.
- On the second occurrence within one year of the first occurrence, the crew member will be terminated.
- On an occurrence in the following year after one occurrence in the prior year, manager/owner will discipline the crew member, and reserves the right to suspend or terminate the crew member based on the circumstances of the specific incident.

REQUESTS FOR TIME OFF

All requests must be made in writing no later than the Tuesday preceding the next business week. All time off requests for a period of three (3) or more consecutive days must be submitted three (3) weeks prior to the relevant business week. Requests for time off are not guaranteed; however, reasonable accommodations will be made for crew members with a disability where necessary and appropriate. Every effort will be made to accommodate your request, but there are times when circumstances may demand every crew member to be on call to work. Please consult a manager/owner prior to making any plans for major holidays or special events.

EMPLOYMENT RULES

All Tropical Smoothie Cafe crew members must be committed to maintaining the highest standards of personal and business conduct. In some cases, your sense of what is right and wrong will be all of the guidance needed. The below listed items are not an attempt to define all misconduct, rather they are examples of situations in which immediate termination may occur. Defining all terminable offenses is impossible to do; however, as a general guide, the following situations will result in immediate termination:

- Unauthorized disclosure of “business secrets” or other confidential information.
- Misuse or unauthorized disclosure of confidential information not otherwise available to persons or firms outside the employer.
- Disclosure of confidential financial data, or other nonpublic proprietary company information. Do not share confidential information regarding business partners, vendors or customers.
- Stealing café or personnel property.
- Verbal or physical abuse of a customer or crew member.
- Working under the influence of, or selling, drugs or alcohol on café premises.
- Failure to adhere to your schedule without the permission of a manager/owner.
- Failure to complete sales/cash reconciliation reports or when such accounts result in a discrepancy that exceeds the +/- \$2.00 limit.
- Giving free food or drinks to customers, friends or family members.
- Insubordination or direct/intentional violations of café policy.
- Harassment of any kind, sexual or non-sexual, toward fellow crew members of Tropical Smoothie Cafe, its vendors or its customers.
- Direct or indirect threats to fellow crew members or Tropical Smoothie Cafe customers.
- Fighting or causing harm to a fellow crew member or Tropical Smoothie Cafe customers.
- Chewing gum, eating or drinking in the food preparation area.
- Arguing with other crew members or with customers.
- Entering the café before or after hours without permission.
- Clocking in or out for other crew members.
- Using vulgarity or making obscene gestures.
- Allowing friends, family members or other unauthorized persons in the crew-member-only zones (back room and food preparation area).
- Allowing friends or family members to loiter, interfere or hang around the café while you are working
- Failing to follow safety and security procedures.
- Falsifying of café records, including employment and insurance applications, and timekeeping records
- Engaging in illegal, immoral or indecent conduct.
- Possession or use of firearms, ammunition, explosives or other weapons on café property or while conducting café business, unless allowed by applicable law.
- Job abandonment (not calling in for 3 consecutive scheduled working days).
- Breach of trust or dishonesty.
- Conviction of a felony (in most circumstances).
- Willful violation of an established policy or rule.
- Gross negligence.
- Undue and unauthorized absence from duty during regularly scheduled work hours.
- Deliberate non-performance of work.
- Theft, larceny or unauthorized possession of, or the use of, property belonging to any co-worker, visitor or customer of Tropical Smoothie Cafe.
- Marring, defacing or other willful destruction of any supplies, equipment or property of the café.
- Violation of the café’s Conflict of Interest/Outside Employment Policy and/or Confidentiality Policy.
- Gambling, conducting games of chance or possession of such devices on the premises during work hours.

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- Leaving the work premises without authorization during work hours.
 - Sleeping on the job.

The above list is not meant to be all-inclusive or exhaustive. Each situation is considered individually and decisions regarding discipline and termination are made at manager/owner's discretion.

CORRECTIVE ACTION

All crew members are expected to meet Tropical Smoothie Cafe standards of work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency and general compliance with policies and procedures.

If a crew member does not meet these standards, we may, under appropriate circumstances, take corrective action (including immediate termination in the case of a crew member stealing or using violence in the workplace).

Four Stages of Corrective Action:

- Stage One: Verbal Coaching- Consists of a conversation between a manager/owner and crew member, discussing the unacceptable performance or behavior, which may be documented.
- Stage Two: Written Warning- Consists of formal documentation of unacceptable performance or behavior.
- Stage Three: Final Written Warning - This is the final stage in the disciplinary process and consists of the final documentation of unacceptable performance or behavior. Termination will result if the performance or behavior is not corrected immediately, significantly and in a sustained manner.
- Stage Four: Termination – A crew member's employment may be terminated when previous stages of the corrective action policy have not remedied the unacceptable performance. In cases of a serious offense or performance issue, termination may be immediate.

CREW MEMBER BENEFITS

As part of our commitment to our crew members and their well-being, Tropical Smoothie Cafe will provide crew members with a benefits program with a variety of benefit options, including:

- Workers' compensation insurance
- Unemployment insurance

The detailed provisions of each plan are covered by each individual benefit plan or contract. If you need more information about any of the benefit plans in general, or wish to review a specific plan, please contact the manager/owner.

VACATION

Vacation time is available to employees to provide opportunities for rest and relaxation, personal business or religious observance. We encourage all employees to take time off from work in accordance with this policy.

Unless an emergency is involved, your manager/owner must approve all vacation time in advance. A vacation request form must be completed, submitted and approved by your manager/owner and sent to payroll prior to your scheduled time off. All requests must be submitted three (3) weeks prior to requested vacation time.

HOLIDAYS

The manager/owner will make decisions annually regarding the holiday schedule and café hours of operation.

JURY DUTY

We encourage you to perform your civic obligations to the extent possible. In the event that you are called for jury duty for any scheduled workdays, your manager/owner must be informed in advance and be given the employer copy of the jury duty summons or witness subpoena.

MILITARY LEAVE

Both state and federal laws provide crew members with the right to take leave in order to serve in the military. At the federal level, military leave rights are governed by the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as USERRA. We comply with the requirements of USERRA and any state law equivalent.

LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT (“FMLA”)

The Family and Medical Leave Act (“FMLA”) applies to any workplace where there are 50 or more employees within a 75-mile radius. Basically, the FMLA requires employers to give employees up to 12 weeks of leave, which may be unpaid, so that an employee can deal with a serious health condition of the employee, or a serious health condition of the employee’s family members. This leave can be taken all at once, or over time, depending on the health condition involved. The FMLA also requires leave when an employee becomes a parent, whether by childbirth or by adoption. If the employer provides group health insurance, the employer must continue that insurance for the duration of the leave, with the employer paying the same portion of insurance premium the employer was paying before the leave commenced. The employer must post a notice in the workplace advising employees of the provisions of the FMLA, and the employer must also prepare a written FMLA policy.

Crew Member Eligibility

To be eligible for FMLA Leave benefits, you must:

- have worked for the company for a total of at least 12 months prior to the leave;
- have worked at least 1,250 hours over the previous 12 months as of the start of the leave; and
- work at a location where at least 50 crew members are employed by the company within 75 miles, as of the date the leave is requested.

Please contact your manager as soon as you become aware of the need for an FMLA Leave. Crew members are expected to provide prompt notice of any change(s) to a crew member’s return to work date. Accepting or continuing other employment while on leave that is contrary to the restrictions indicated by your FMLA certification, or filing for unemployment insurance benefits while on leave, may be treated as a voluntary resignation from employment.

REST BREAKS

All hourly café crew members are entitled to one 10-minute paid break, per four (4) hours worked, when work schedules permit. Café crew members that work six (6) or more consecutive hours will be granted one thirty-(30) minute unpaid meal break. Crew members must clock in and out for rest breaks. Breaks may not be combined with the meal period or with other breaks; they must be taken separately. In addition, crew members are allowed to leave the premises when taking a rest break provided they return to work in a timely manner at the end of the rest break.

MEAL BREAKS

Crew members may be entitled to meal breaks, as required by law and as provided by company policy. Crew members are free to leave the premises during the meal break and must not perform any work during the break. Crew members are expected to return to work promptly at the end of their meal period.

All hourly crew members must clock in and out or otherwise record the actual time taken for meal breaks every day a meal break is taken. All unpaid meal breaks must be for an uninterrupted period of at least 30 minutes during which the crew member performs no work of any kind and is free to leave the premises.

In no instance can an hourly crew member's unpaid meal break be less than 30 uninterrupted minutes. All crew members must take their meal break away from their working space. We encourage crew members to utilize the various break and rest areas provided within the café and the surrounding areas. In the event an hourly crew member takes a meal break that lasts less than 30 minutes, or the hourly crew member's meal period is interrupted such that he or she performs work, or if the hourly crew member cannot leave the café when desiring to do so, the hourly crew member must inform a manager/owner so that the hourly crew member will be paid for that meal break.

CREW MEMBER MEAL DISCOUNTS

We are proud to offer a generous meal discount to all café crew members.

Eligibility

- All food consumed must be rung into the POS system by the manager.
- An end of shift/off the clock menu item is discounted at 20% for café crew members.

CREW MEMBER MEAL PROCEDURE

Meals can be taken during assigned breaks only. Failure to enter crew member purchases or meals into the cash register constitutes an act of theft. Both crew members must initial the discounted receipt, which must be placed in the register with the daily records. When making a purchase, another crew member must transact the sale. Crew members not working are not permitted to prepare their own orders. All meals must be eaten in the designated break and dining areas. When you are finished with your meal, it is important to clean up the area. Before clocking back in, thoroughly wash your hands.

UNIFORM & PERSONAL APPEARANCE

Below are the uniform and personal appearance guidelines for all café crew members:

	CREW MEMBERS
PANTS	<ul style="list-style-type: none"> ▪ Style: Pants, Capri Pants, Shorts ▪ Color: Black, Khaki or Blue Jeans ▪ Short Length: Shorts no higher than 3"-5" above the knee ▪ Skirts and dresses are NOT permitted unless in the case of religious practices
SHIRTS	<ul style="list-style-type: none"> ▪ Tropical Smoothie Café approved t-shirt ▪ Must be clean, pressed, or professionally laundered
HAT	<ul style="list-style-type: none"> ▪ Hat or Visor with Tropical Smoothie Café logo must be worn at ALL times
APRON	<ul style="list-style-type: none"> ▪ A full bib black apron
SHOES	<ul style="list-style-type: none"> ▪ Style: Closed toe and closed heel. Sneakers preferred. Slip resistant sole shoes/bottoms recommended ▪ Socks must be worn
HAIR	<ul style="list-style-type: none"> ▪ Neatly groomed ▪ Pulled back if it falls below the shoulders
FACIAL HAIR	<ul style="list-style-type: none"> ▪ Mustaches & beards are approved, but must be neatly trimmed ▪ Males without mustaches or beards must be clean shaven
MAKEUP	<ul style="list-style-type: none"> ▪ Must be natural; no heavy amounts or bright, distracting colors
NAILS	<ul style="list-style-type: none"> ▪ Must be neatly trimmed and clean ▪ No acrylic nails can be worn ▪ Broken nails must be immediately fixed or removed ▪ Polish should be natural, conservative color with no chips ▪ No nail jewelry or charms
JEWELRY	<ul style="list-style-type: none"> ▪ All jewelry must be conservative in nature and non-offensive ▪ No body piercings will be worn except ear piercings, if desired ▪ No hand jewelry including rings (except wedding band/ring), watches, bracelets, etc., can be worn by any crew member preparing food/smoothies ▪ Any jewelry that could be a safety hazard must be removed
NAMETAG/ MARKETING BUTTONS	<ul style="list-style-type: none"> ▪ Refrain from using nicknames or slang names on the nametag
TATTOOS	<ul style="list-style-type: none"> ▪ Visible tattoos cannot be offensive in nature

**CREW MEMBER POLICIES AND PROCEDURES HANDBOOK
RECEIPT AND ACKNOWLEDGMENT**

This is to acknowledge that I have received a copy of Tropical Smoothie Cafe Crew Member Handbook. I understand that the Handbook sets forth the terms and conditions of my employment with Tropical Smoothie Cafe. I further understand that as a crew member of Tropical Smoothie Cafe, I am employed solely by Tropical Smoothie Cafe who is responsible for this Handbook, the policies set forth within it, and all other terms and conditions of employment. I agree to abide by and be bound by the rules, policies and standards specified in this Handbook. The business relationship between Tropical Smoothie Cafe and any other business such as Tropical Smoothie Café, LLC (the franchisor of my company) does not alter or impact the fact that I am solely employed by Tropical Smoothie Cafe; that Tropical Smoothie Cafe controls, directly and indirectly, all of my terms and conditions of employment; and that Tropical Smoothie Cafe is my sole employer.

I acknowledge that my employment with Tropical Smoothie Cafe is at will, meaning that it is not for a specified period of time and that the employment relationship may be terminated at any time, for any reason, with or without cause or notice, by me or by Tropical Smoothie Cafe. I further acknowledge that only Tropical Smoothie Cafe has the authority to enter into an agreement that alters the at-will relationship and then only in writing signed by that individual.

I further acknowledge that Tropical Smoothie Cafe reserves the right to revise, delete and add to the provisions of the Crew Member Handbook, but that all such revisions, deletions or additions must be in writing. No oral statements or representations can change the provisions of the Handbook. Furthermore, the Company's policy of at will employment can only be changed as stated in the prior paragraph.

Date

Crew Member Signature

Crew Member Name Printed

Copy to be placed in the Crew Member's Personnel File