

VIRGINIA SUPPLEMENT

I. REASONABLE ACCOMMODATIONS FOR PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS

In compliance with Virginia law, the Company will endeavor to not fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to such individual's compensation, terms, conditions, or privileges of employment on the basis of pregnancy, childbirth, or related medical conditions. Further, the Company will not refuse to make reasonable accommodation to the known limitations of a person related to pregnancy, childbirth, or related medical conditions, unless the Company can demonstrate that the accommodation would impose an undue hardship on the Company..

The Company will not take adverse action against an employee who requests or uses a reasonable accommodation pursuant to this policy, including failure to reinstate any such employee to the employee's previous position or an equivalent position with equivalent pay, seniority, and other benefits when the employee's need for a reasonable accommodation ceases. Nor will the Company deny employment or promotion opportunities to an otherwise qualified applicant or employee because the Company will be required to make reasonable accommodation to the known limitations of such applicant or employee related to pregnancy, childbirth, or related medical conditions. The Company will also not require an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of such employee.

If an applicant or employee believes that they may need an accommodation, the Company will endeavor to engage in a timely, good faith interactive process with the individual who has requested an accommodation to determine if the requested accommodation is reasonable. If the Company determines that an accommodation is not to be reasonable, the Company will discuss alternative accommodations that may be provided.

Reasonable accommodation may include:

- more frequent or longer bathroom breaks,
- breaks to express breast milk,
- access to a private location other than a bathroom for the expression of breast milk,
- acquisition or modification of equipment or access to or modification of employee seating,
- a temporary transfer to a less strenuous or hazardous position,
- assistance with manual labor, job restructuring,
- a modified work schedule, light duty assignments, and
- leave to recover from childbirth.

If the accommodation is reasonable and will not impose an undue hardship, the Company will make the accommodation. Whether a requested accommodation would create an undue hardship will be determined based on the facts of each particular case.

If employees have any questions about or would like to request a reasonable accommodation pursuant to this policy, they should contact the Human Resources Department.

II. REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

Pursuant to the Virginia Human Rights Act (the “Act”), employees have the right to reasonable accommodations for disabilities and to be free from unlawful discriminatory practices based on disability.

Under the Act, the Company may not:

1. Refuse to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the Company.
2. Take adverse action against an employee who requests or uses a reasonable accommodation pursuant to this section.
3. Deny employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation for a person with a disability.
4. Require an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability.
5. Fail to engage in a timely, good faith interactive process with an employee who has requested an accommodation pursuant to this section to determine if the requested accommodation is reasonable and, if such accommodation is determined not to be reasonable, discuss alternative accommodations that may be provided.

In determining whether an accommodation would constitute an undue hardship upon the Company, the following will be considered:

- Hardship on the conduct of the Company’s business, considering the nature of the Company’s operation, including composition and structure of the Company’s workforce;
- Size of the facility where employment occurs;
- The nature and cost of the accommodations needed, taking into account alternative sources of funding or technical assistance available by way of the vocational services offered Department for Aging and Rehabilitative Services;
- The possibility that the same accommodations may be used by other prospective employees; and
- Safety and health considerations of the person with a disability, other employees, and the public.

If employees have any questions about or would like to request a reasonable accommodation pursuant to this policy, they should contact the Human Resources Department.

III. BREAKS

All employees sixteen years or younger who work a shift of more than five hours are entitled to one (1) unpaid 30 minute meal break. The break scheduling and timing are at the sole discretion of the manager on duty but should be after the first two hours of the beginning of the shift and before the last two hours of the end of the shift. Employees should not perform any work during their 30 minute unpaid meal break. Employees are allowed to leave the restaurant during all breaks. Employees must clock out and in for all meal breaks.

IV. TIP CREDIT POLICY

Tips may be used as a credit against the minimum wage for **some** employees, including servers and bartenders, as permitted by federal and state law. Federal and state law permit the Company to take a tip credit toward the minimum hourly wages paid to tipped employees. Therefore, in consideration of the additional tip income received by some employees, the Company may take a tip credit with respect to the hourly rate paid directly to tipped employees. As a result, the hourly rate paid directly to tipped employees may be less than the standard statutory minimum hourly wage rate. (The difference between the hourly cash wage rate paid directly by the Company and the minimum hourly wage rate is known as a tip credit.) However, this credit cannot exceed the tips the tipped employee actually receives and in no case will an employee's total compensation, including hourly wages and tips, be less than the statutory minimum hourly wage rate. All tips received by a tipped employee must be retained by the tipped employee, except for tips contributed to a valid tip pooling or tip sharing arrangement limited to employees who customarily and regularly receive tips.

All servers and bartenders paid at the tip credit rate (and any other employees for whom a tip credit may be taken) are hereby informed of the tip credit and your signature acknowledging that you were provided this handbook with this policy is further evidence that you were so informed and understand this tip credit notice. You should also receive and sign additional Notice regarding any tip credit taken explaining similar informing you of your specific pay rates. Please contact the General Manager or Human Resources immediately if you have not received such a Notice or if you any questions about any of the provisions in this policy or any of the information contained in the Notice.

By signing this you acknowledge that you have read and understand the information presented

Employee's Printed Name: _____ Position: _____

Employee's Signature: _____ Date: _____