



Employee Handbook

Manual del Empleado

New York
Version



Sarku JAPAN

sushi bar sarkujapan

Ming Tree

kato's cajun

Welcome!

I am delighted to welcome you to the “SJ Family” ~ consisting of Sarku Japan and all of its affiliated brands. I am proud to say that Sarku Japan is the North American leader in our industry niche and you are joining a group of employees who are the foundation of a strong and vibrant company. I am also proud to say that you are joining a dedicated and focused team that is committed to growing and strengthening our company in the years ahead.

We have a memorable past with a long history of success. We want you to excel and become part of our success. We require that you carefully review this Employee Handbook. Your supervisor should be able to answer any questions you have and you may also contact the Human Resources Department for additional information.

Great companies are created by great people ~ on behalf of the entire SJ Family I extend to you a warm welcome and best wishes for success.

A handwritten signature in black ink, appearing to read "James T. Chim". The signature is fluid and cursive, with a prominent initial "J" and "C".

James T. Chim
Chairman & CEO

TABLE OF CONTENTS

	<u>Page</u>
1. INTRODUCTION & EMPLOYMENT POLICIES	1
1.1 ABOUT THIS HANDBOOK.....	1
1.2 SARKU JAPAN'S MISSION AND CORE VALUES.....	1
1.3 IMMIGRATION LAW COMPLIANCE.....	1
1.4 AT-WILL EMPLOYMENT.....	2
1.5 FALSIFICATION OF DOCUMENTS.....	2
2. DISCRIMINATION AND HARASSMENT	2
2.1 EQUAL EMPLOYMENT OPPORTUNITIES ("EEO").....	2
2.2 POLICY AGAINST HARASSMENT.....	3
2.3 COMPLAINT PROCEDURE.....	4
2.4 POLICY AGAINST RETALIATION.....	5
2.5 DISABILITY ACCOMMODATION.....	5
3. EMPLOYMENT CATEGORIES.....	5
3.1 INTRODUCTORY PERIOD.....	5
3.2 EMPLOYMENT CLASSIFICATIONS.....	5
4. WORK SCHEDULES AND PAY PRACTICES.....	6
4.1 WORKDAY AND WORKWEEK.....	7
4.2 PAY PERIOD & PAY CHECKS.....	7
4.3 TIMEKEEPING REQUIREMENTS.....	8
4.4 OVERTIME PAY.....	8
4.5 EXPENSE REIMBURSEMENTS.....	9
4.6 MEAL PERIODS AND REST BREAKS.....	9
4.7 LACTATION BREAKS.....	9
4.8 TO REPORT VIOLATIONS OF THIS POLICY, COMMUNICATE CONCERNS, OR OBTAIN MORE INFORMATION.....	9
5. LEAVES OF ABSENCE	10
5.1 FAMILY AND MEDICAL LEAVE.....	10
5.2 JURY AND WITNESS DUTY.....	13
5.3 TIME OFF TO VOTE.....	13
5.4 MILITARY LEAVE.....	14
6. EMPLOYEE EXPECTATIONS AND STANDARDS OF CONDUCT.....	14
6.1 PROBLEM SOLVING PROCESS.....	14
6.2 ATTENDANCE & PUNCTUALITY.....	15
6.3 EMPLOYEE CONDUCT & WORK PERFORMANCE.....	15
6.4 CONFLICTS OF INTEREST.....	16
6.5 GIFTS, FAVORS AND ENTERTAINMENT.....	17
6.6 CONFIDENTIALITY.....	17
6.7 COURTESY TO CO-WORKERS.....	17
6.8 DRESS AND APPEARANCE STANDARDS.....	17
6.9 DRUG AND SUBSTANCE ABUSE.....	18
6.10 DRUG AND ALCOHOL SCREENING.....	18
6.11 EMPLOYMENT RECORDS.....	18
6.12 PERSONAL PHONE CALLS, CELL PHONES AND OTHER PERSONAL ELECTRONIC DEVICES.....	19
6.13 RESPECT FOR COMPANY PROPERTY.....	19
6.14 INSPECTIONS AND SEARCHES ON COMPANY PREMISES ...	19
6.15 SAFETY AND SECURITY.....	20
6.16 EMPLOYMENT VERIFICATION.....	22
6.17 EMPLOYEE TRANSFERS.....	22
6.18 WORKPLACE VIOLENCE.....	22
6.19 SECURITY AWARENESS AND ACCEPTABLE USE POLICY.....	23
6.20 COMPUTER USE AND SOCIAL MEDIA POLICY.....	24
HANDBOOK ACKNOWLEDGMENT AND AGREEMENT	27

1. INTRODUCTION & EMPLOYMENT POLICIES

1.1 ABOUT THIS HANDBOOK

This Employee Handbook (“Handbook”) is a guide to the employment practices of Sarku Japan and all of its affiliated brands (collectively, “SJ” or “Company”). This Handbook contains the employment policies and practices of the Company in effect at the time of publication. Any inconsistent policy statements or memoranda are hereby superseded. The Company reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in this Handbook or in any other document. Any such changes must be in writing and signed by the Chairman & CEO of the Company or his authorized designee. Any written changes to this Handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this Handbook. The Company, in its sole discretion, will interpret the language, rules and policies contained in the Employee Handbook.

1.2 SARKU JAPAN’S MISSION AND CORE VALUES

The Company embraces the philosophy of KAIZEN (Continuous Improvement) to maintain a work environment that develops, rewards and encourages a team of talented and dedicated employees to achieve their individual goals.

This positive environment makes the Company the most successful Japanese food service operation worldwide, by consistently exceeding the expectations of our customers in the delivery of quality food, service, and value.

Our core values separate SJ from other restaurant companies. They help to create a foundation for personal conduct that allows you to take pride in yourself and your work. They are as follows:

- **Integrity**
- **Teamwork**
- **Exceed Customer Expectations**
- **Ownership**
- **Quality**
- **Profitability**

1.3 IMMIGRATION LAW COMPLIANCE

In compliance with the Immigration Reform and Control Act of 1986 and all amendments, all offers of employment are contingent upon verification of your legal right to work in the United States. All persons who are hired must complete an I-9 and provide original supporting documentation establishing the employee's identity and eligibility to work in the United States. Any employee who is unable to present

the required documentation within 3 days of their start date will be relieved of their employment duties until such documentation can be presented.

1.4 AT-WILL EMPLOYMENT

The Employee Handbook is not a contract (express or implied) and does not guarantee a specific duration of employment. Employment at SJ is at-will. This means that each employee chooses, at the employee's own will, to be employed by SJ and that SJ employs the individual at SJ's will. The employee or SJ can terminate the at-will employment relationship at any time, with or without notice, or cause. The at-will relationship may not be altered except by a written agreement that is signed by the employee and SJ's Chairman & CEO.

1.5 FALSIFICATION OF DOCUMENTS

The information provided to the Company by employees during the employment application process is expected to be true and accurate. Any false or misleading information or significant omissions may disqualify an applicant from consideration for employment, and/or may lead to the termination from employment, even if discovered at a later time after the applicant is hired. Anyone who is found to have falsely identified him/herself at any time during their employment or the application process may be terminated. Any manager who is found to have carelessly, knowingly or intentionally accepted false documentation from another employee at any point during the application or employment process will be subject to disciplinary action, up to and including termination. Employees terminated for the reasons stated above will not be considered for rehire.

2. DISCRIMINATION AND HARASSMENT

2.1 EQUAL EMPLOYMENT OPPORTUNITIES ("EEO")

SJ is an equal opportunity employer and makes employment decisions on the basis of merit.

We want to have the best available people in every job. SJ prohibits unlawful discrimination against employees or applicants based on race, religion, color, gender, sex, sexual orientation, sexual identity, gender identity, transgender identity, gender expression, genetic information, national origin, ancestry, citizenship status, uniformed service member status, veteran's status, military status, marital status, pregnancy, childbirth, age, medical condition, disability, or any other consideration made unlawful by federal, state, or local laws. SJ also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

SJ is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in SJ's operations and prohibits unlawful discrimination by any employee of SJ, including managers and coworkers. Equal employment opportunity will be extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, training, promotion, transfer, compensation, benefits, discipline, layoff, recall, and termination. Any employee who violates this policy and SJ's commitment to equal employment opportunity will be subject to disciplinary action, up to and including termination of employment.

If you believe you have been subjected to any form of unlawful discrimination, immediately notify your manager or the Human Resources Department. No retaliation will be tolerated for good-faith reporting as provided in 2.4 Policy Against Retaliation stated below.

2.2 POLICY AGAINST HARASSMENT

SJ is committed to providing a work environment that is free of unlawful discrimination and harassment and requires all employees to treat each other with dignity and respect. In keeping with this commitment, SJ maintains a strict policy prohibiting unlawful harassment in the workplace, including sexual harassment, by any employee or manager and by any third parties such as guests or vendors. In addition, any harassment of an employee on the basis of race, religion, color, gender, sex, sexual orientation, sexual identity, gender identity, transgender identity, gender expression, genetic information, national origin, ancestry, citizenship status, uniformed service member status, veteran's status, military status, marital status, pregnancy, age, medical condition, disability, or any other consideration made unlawful by federal, state, or local laws is also strictly prohibited.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, widespread sexual favoritism, and other verbal, physical or visual conduct of a sexual nature constitute unlawful sexual harassment if (i) submission to such conduct is made an explicit or implicit term or condition of employment; (ii) submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual; or (iii) such conduct has the purpose or effect of either (a) unreasonably interfering with an individual's work performance or (b) creating an intimidating, hostile, or offensive working environment. Sexual harassment includes gender harassment and harassment on the basis of pregnancy, childbirth or related medical conditions, and also includes sexual harassment of an employee of the same gender as the harasser.

Examples of conduct which may violate this policy include, but are not limited to: offensive or unwelcome sexual flirtations, advances or propositions; threats and demands to submit to sexual requests; offering employment benefits in exchange for sexual favors; making or threatening reprisals after a negative response to sexual advances; widespread sexual favoritism; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; sexually-oriented jokes, e-mails, or written materials; visual conduct, including leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters; accessing sexually explicit, pornographic and/or socially offensive websites, chat rooms or other material on the internet or other computer systems; and the unwelcome physical touching of others.

Other Prohibited Harassment

SJ also will not tolerate any harassment of an employee on the basis of race, gender, religion, color, national origin, sex, sexual orientation, sexual identity, transgender identity, age, ancestry, marital status, disability, medical condition, pregnancy, childbirth, veteran's status, genetic predisposition or any other protected classification. Examples of conduct which may violate this policy include, but are not limited to, verbal abuse of a racially derogatory nature; the use of racial or ethnic slurs; racially or ethnically disparaging words used to describe an individual; and racial, ethnic or other derogatory jokes, e-mail, written materials, drawings or cartoons which are racially or otherwise offensive.

2.3 COMPLAINT PROCEDURE

SJ will not tolerate sexual harassment or any other form of prohibited harassment or discrimination in the workplace by any employee and will impose disciplinary action up to and including immediate dismissal for violation of any of these policies.

If you believe that you have been discriminated against or harassed by an employee, manager, guest, or vendor or have witnessed possible discrimination and/or harassment, you must immediately bring the incident(s) to the attention of your manager or another member of management. Employees may also report any complaints directly to Human Resources at 1-888-352-6283. Any manager who receives such a complaint must promptly report it to the Human Resources Department. The description of the incident(s) can be given verbally or in writing.

SJ will promptly investigate the complaint and take appropriate remedial action to address allegations of discrimination/harassment and, if necessary, to deter any future discrimination and/or harassment. It is the obligation of all employees to cooperate fully in the investigation process. SJ will make its best efforts to protect employee confidentiality to the extent that it is practical and does not hinder the investigation.

2.4 POLICY AGAINST RETALIATION

SJ strictly prohibits retaliation, coercion or intimidation against any person who has, in good faith, opposed harassment or discrimination, filed a complaint of harassment or discrimination, or participated in any proceeding involving a complaint of harassment or discrimination. Any employee who is found to have committed such retaliation will be subject to discipline, up to and including termination. Any employee who experiences or witnesses any conduct believed to be retaliatory require immediately follow the complaint reporting procedures stated above.

2.5 DISABILITY ACCOMMODATION

Based on American with Disability Act, as amended, and other federal, state and local laws designed to ensure equal employment opportunities to persons with disabilities, SJ will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. Any applicant or employee who requires accommodation in order to perform the essential functions of a job should contact their manager or the Human Resources Department. The applicant or employee should advise SJ what accommodations he or she believes are needed in order to perform the job. Together with the applicant or employee, SJ will engage in an interactive process to determine effective, reasonable accommodations, if any. If such an accommodation is possible and will not impose an undue hardship upon the Company, SJ will make the accommodation.

3. EMPLOYMENT CATEGORIES

3.1 INTRODUCTORY PERIOD

The first 90 days from the date of hire will serve as an introductory period. This is a time when SJ can get to know the employee, and the knowledge, skills, and competencies the employee brings to the job. This is also the period of time new employees have to acquaint themselves with the expectations of SJ. The Company can extend an employee's introductory period, in its sole discretion. The Company also preserves the right to evaluate an employee's work performance at any time. Successful completion of the introductory period does not affect the "at-will" nature of employment.

3.2 EMPLOYMENT CLASSIFICATIONS

Full-Time Employees are those who are regularly scheduled for and do work at least 40 hours per week. Part-Time Employees are those who are regularly scheduled for and do work less than 40 hours per week. For the purposes of administration of health insurance benefits under Affordable Care Act, employees' average at least 30

hours of service per week or 130 hours of service in a calendar month would be considered full-time equivalent employees.

Non-Exempt Employees are those who are covered by the overtime provisions of federal and state wage and hour laws. Exempt Employees are those who are classified as exempt from the overtime provisions of federal and state wage and hour laws.

4. WORK SCHEDULES AND PAY PRACTICES

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time and review your paychecks promptly to identify and to report all errors. You also must not engage in off-the-clock or unrecorded work.

Review Your Pay Stub

We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we promptly will make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any question, please use the reporting procedure outlined below.

Exempt Employees

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the Company. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions. For example, absent contrary state law requirements, your salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability, since we have a sick day pay plan and short-term disability insurance plan.
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).

- Family and Medical Leave absences (either full or partial day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
- The first or last week of employment in the event you work less than a full week.

Your salary also may be reduced for certain types of deductions, such as: your portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or voluntary contributions to a pension plan. In any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- Your absence because the facility is closed on a scheduled work day.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law.

Please note: You will be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability. However, your salary will not be reduced for partial day absences if you do not have accrued paid time off.

4.1 WORKDAY AND WORKWEEK

Unless otherwise advised in writing, the standard workday begins at 12:01 a.m. and ends at midnight 24 hours later. A standard workweek is seven days, beginning on Monday at 12:01 a.m. and ends on Sunday at midnight.

4.2 PAY PERIOD & PAY CHECKS

Employees are paid on a weekly basis which means that there are 52 pay periods a year. Employees may be paid by check or through direct deposit of funds. Paychecks will only be given personally to an employee. If you would like someone to pick up your check for you, you need to personally speak to your manager and provide a written authorization before SJ will release a check to anyone other than yourself.

4.3 TIMEKEEPING REQUIREMENTS

SJ pays its employees for all hours worked. In order to assure accurate payment of wages, all non-exempt employees are required to record all working time and meal breaks using the Company's timekeeping system. Employees are directly responsible for recording their own time.

The following rules apply to completing time records:

- You must accurately record the time you begin and end work, as well as the beginning and ending time of each applicable meal period.
- You must accurately record all hours you spend on the job performing assigned duties. **Under no circumstances are employees permitted or required to work off the clock** (*i.e.*, without recording the hours worked). This means that employees may not work before clocking in for their shift or after clocking out for a meal period or after the end of their shift. Once an employee clocks in, work is to commence immediately. If an employee is ever asked to work off-the-clock or feels compelled to do so, the employee must immediately notify the employee's manager or Human Resources so that appropriate action may be taken. No employee will be retaliated against for raising a concern regarding off-the-clock work or similar timekeeping issues.
- Employees may not clock in or clock out for another employee. Falsifying any time records or recording time for another employee is not allowed and will result in disciplinary action up to and including termination.

At the end of each pay period, non-exempt employees are required to review their recorded hours worked for accuracy and notify management immediately of any errors or discrepancies.

Violations of these timekeeping requirements will result in disciplinary action, up to and including termination.

4.4 OVERTIME PAY

Non-exempt employees will be paid overtime in compliance with all local, state, and federal laws.

Only time actually worked is counted toward overtime, e.g. paid sick leave hours or vacation with pay or pay-time-off will not be counted towards overtime. All overtime should be pre-approved by your manager before it is worked. Employees who work unauthorized overtime may be subject to disciplinary action.

4.5 EXPENSE REIMBURSEMENTS

To the extent required by applicable state and local law, SJ will reimburse employees for authorized and reasonable business expenses incurred as a result of their employment (e.g., business mileage, travel expenses, etc.). Normal commuting expenses will not be reimbursed.

4.6 MEAL PERIODS AND REST BREAKS

SJ provides meal periods and rest breaks to non-exempt employees in accordance with applicable state and federal laws. Except as otherwise provided by state law, during a normal workday, non-exempt employees are provided a 30-minute meal period. Meal periods are unpaid and non-exempt employees should record the beginning and ending time of each meal period using SJ's timekeeping system.

SJ will offer a standard portion of a standard meal according to the store menu (excluding seafood items), to be consumed onsite, to employees who are scheduled to work more than 5 hours.

4.7 LACTATION BREAKS

SJ accommodates lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for an infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Any break time provided to express breast milk that does not run concurrently with break time already provided to the employee shall be unpaid. SJ will make reasonable efforts to provide employees who need a lactation accommodation with the use of a room or other private location that is located close to the employee's work area. Employees with private offices will be required to use their offices to express breast milk. Employees who desire lactation accommodations should contact their manager or Human Resources to request accommodations.

4.8 TO REPORT VIOLATIONS OF THIS POLICY, COMMUNICATE CONCERNS, OR OBTAIN MORE INFORMATION

It is a violation of the Company's policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of Company policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. If any manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any

falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Human Resources Department.

You should not work any hours outside of your scheduled work day unless your supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time card. Employees are prohibited from performing any “off-the-clock” work. “Off-the-clock” work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

If you have questions about deductions from your pay, please contact Human Resources immediately. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to a supervisor immediately. If a supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply within three business days), you should immediately contact the Director of Human Resources or the Manager of Payroll. If you have not received a satisfactory response within five business days after reporting your concern to Human Resources and you are unsure who to contact to correct the problem, please immediately contact the CFO at Head Office or use the reporting hotline at 1-888-352-6283.

Every report will be fully investigated and corrective action will be taken, up to and including discharge of any employee(s) who violates this policy.

In addition, the Company will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the Company’s investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

5. LEAVES OF ABSENCE

5.1 FAMILY AND MEDICAL LEAVE

Eligible employees may take an unpaid, job-protected leave under the federal Family and Medical Leave Act (“FMLA”) for specified family and medical reasons.

Eligibility

To be eligible to take FMLA Leave, the employee must meet all of the following conditions:

- 1) Have worked at least 12 months for SJ;
- 2) Have worked at least 1,250 hours for SJ over the preceding 12 months; and

- 3) Work at a location where there are at least 50 employees within 75 miles.

Permissible Purposes for Leave

FMLA Leave may be taken for any of the following reasons:

- 1) Birth of a child or to care for and bond with a newly-born child (“bonding leave”);
- 2) Placement of a child for adoption or foster care (“bonding leave”);
- 3) To care for an immediate family member (spouse, child, or employee’s parent) with a serious health condition (“family care leave”);
- 4) Because of the employee’s serious health condition, which makes the employee unable to perform the functions of the employee’s job (“serious health condition leave”);
- 5) Because of a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty or ordered to active duty in the armed forces (“military emergency leave”); or
- 6) To care for an injured service member if the employee is the spouse, son, daughter, parent or next of kin of the injured or ill service member (“military caregiver leave”).

Length of Leave

Except in the case of military caregiver leave, an eligible employee can take up to 12 workweeks of unpaid leave during any “rolling” 12-month period, measured backward from the date an employee uses any leave under this policy. If both spouses work for SJ and are eligible for leave under this policy, the spouses will be limited to a total of 12 workweeks off between the two of them for bonding leave and family care leave for a parent. Bonding leave must be concluded within 12 months of the birth or placement of the child.

For military caregiver leave, an eligible employee can take a combined total of 26 workweeks of leave for military caregiver leave and leave for any other FMLA-qualifying reason during the same “single 12-month period.” Of this 26-week period, the employee may not exceed 12 workweeks of leave for any reason other than military caregiver leave. For purposes of military caregiver leave, a “single 12-month period” begins on the first day the eligible employee takes military caregiver leave and ends 12 months after that date. If the employee takes less than 26 weeks of leave during that 12-month period, the unused weeks are forfeited. If both spouses work for SJ and are eligible for leave under this policy, the spouses may be limited to a total of 26 workweeks off between the two of them depending on the reasons for the leave.

An employee may take FMLA leave intermittently, by reducing the employee’s normal weekly or daily work schedule, when medically necessary for the employee’s own or immediate family member’s serious health condition. Intermittent leave for bonding leave may be available, but may be subject to additional restrictions. Leave taken intermittently may be taken in increments of no less than 1 hour. Employees who require intermittent leave or reduced-schedule leave must try to schedule their leave in a manner that will least disrupt the Company’s operations.

Health Benefits During Leave

During FMLA Leave, SJ will continue making contributions for the employee’s group health benefits (if applicable) on the same terms as if the employee had continued to work. This means that if the employee wants benefits coverage to continue during the FMLA Leave, the employee must continue to pay the employee’s portion of any premium payments during the FMLA Leave. In some instances, SJ may recover premiums it paid to maintain health coverage if the employee fails to return to work following a FMLA Leave. If the employee has exhausted all available FMLA Leave, continuation coverage will be available at the employee’s expense under COBRA.

Pay During FMLA Leave

FMLA Leave is unpaid except to the extent the employee has available sick or vacation time. An employee does not accrue seniority or benefits during any period of unpaid leave.

Employment Status After FMLA Leave

Employees granted FMLA Leave are guaranteed reinstatement to the same or an equivalent job position at the end of the leave unless the job ceased to exist for legitimate business reasons and subject to any other defense allowed under the law. “Key employees,” as defined by law, may be subject to reinstatement limitations in some circumstances. If an employee is a “key employee,” the employee will be notified of the possible limitations at the time the employee requests a leave.

Prior to being allowed to return to work, an employee on FMLA Leave for the employee’s own serious health condition must submit a release from a health care provider that certifies the employee is able to resume work.

Notice and Certification Procedures

When seeking FMLA Leave, an employee must provide all of the following to the Company’s Human Resources Department, where applicable:

- 1) 30 days’ advance notice of the need to take FMLA Leave, if the need is foreseeable, or notice as soon as practicable in the case of unforeseeable leave;

- 2) Medical certification supporting the need for leave due to a serious health condition affecting the employee or the employee's immediate family member must be provided before the leave begins, or if not possible, within 15 days of the Company's request to provide the certification;
- 3) A certification of the family member's active duty status or call to active duty for emergency military leave;
- 4) Periodic updates as deemed appropriate during the leave regarding the employee's status and intent to return to work; and
- 5) Medical certification of fitness for duty before returning to work, if the leave was due to the employee's serious health condition.

At SJ's expense, the Company may also require a second or third medical opinion regarding the employee's own serious health condition. Employees are expected to cooperate with the Company in obtaining additional medical opinions that the Company may require.

When leave is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the Company's operation.

Failure to Provide Certification and to Return from Leave

Failure to comply with the notice and certification requirements may result in a delay or denial of the leave. If an employee fails to return to work at the end of the leave's expiration and has not obtained an extension of the leave, SJ may presume that the employee does not plan to return to work and has resigned from employment.

5.2 JURY AND WITNESS DUTY

SJ provides employees with time off for jury or witness duty to any employee who has been notified to serve on a jury or has been subpoenaed to testify in court. Upon receipt of the notice to serve jury duty or a subpoena to testify in court, the employee should immediately notify the employee's manager along with proof of such service. The employee is expected to return to work as soon as service as a witness or juror is completed.

Except where required by state law, jury or witness duty leave will be unpaid. Exempt employees will not incur any reduction in pay for a partial week's absence due to jury or witness duty.

5.3 TIME OFF TO VOTE

Managers will adjust employee's schedules as needed to ensure that employees will have the opportunity to vote consistent with applicable law. Please check with your

manager or Human Resources concerning the specific voting laws in your state. No employee will be penalized or retaliated against for requesting time off to vote.

5.4 MILITARY LEAVE

An employee who enters the armed forces of the United States will be granted a military leave in accordance with the Uniform Services Employment and Reemployment Rights Act of 1994 (“USERRA”) and all applicable state laws regulating absence from work for military service. USERRA protects job rights and benefits for veterans and members of the reserves. USERRA prohibits discrimination against employees, and provides reemployment protection and other benefits for veterans and employees who perform military service. An employee must provide advance notice of the need for military leave, unless prevented from doing so by military necessity or if providing notice would be impossible or unreasonable. Military leaves of absence are without pay from SJ. All other rights and benefits will continue as if the employee had remained continuously employed and will be available to the employee upon reinstatement. Upon completion of military service, the employee will be reinstated with full seniority to the employee’s former position or to a comparable position if application for re-employment is timely made.

An employee who is a member of the National Guard, a reserve component of the armed forces, or any state militia or state armed forces shall, upon furnishing a copy of the official orders or instructions, be granted a military training leave. Unless otherwise provided by state law, training leaves shall not, except in an emergency or in the event of extenuating circumstances, exceed 2 weeks a year, plus reasonable travel time. Any employee seeking military-related leave is encouraged to contact his or her manager or Human Resources for additional information regarding eligibility and leave rights.

6. EMPLOYEE EXPECTATIONS AND STANDARDS OF CONDUCT

6.1 PROBLEM SOLVING PROCESS

If you have any questions concerning your job or if you encounter any work-related problems, you are encouraged to discuss them with a member of management. No employee will be retaliated against for using this problem solving process.

If you have a problem or concern, please talk with your immediate supervisor as soon as possible. Your immediate supervisor is the person responsible for what goes on in your immediate work area and may be in the best position to help you. If you prefer not to speak with your immediate supervisor, or if you feel your immediate supervisor cannot, or has not, satisfactorily resolved the problem, please ask to speak with another member of management or to Human Resources who may be contacted at 1-888-352-6283.

6.2 ATTENDANCE & PUNCTUALITY

SJ expects employees to be reliable, punctual and to report to work on a regular basis. An employee who knows in advance that the employee must be absent from work should provide as much notice as possible to the supervisor.

Repeated or excessive lateness or absenteeism will lead to disciplinary action up to and including termination. If you are absent for 3 days without notifying SJ prior to the start of each shift, it will be assumed that you have voluntarily terminated your position with SJ.

6.3 EMPLOYEE CONDUCT & WORK PERFORMANCE

As an employee, you are expected to know the type of conduct and performance levels that are considered acceptable and to comply with these standards. Employees are encouraged to ask questions and clarify uncertainties regarding performance and conduct rules.

Standards of performance and conduct apply at work, at SJ-sponsored events, business functions on and off SJ premises and whenever an employee represents or acts on behalf of SJ.

When an employee's conduct or performance is at issue, the resulting action will depend on an evaluation of the circumstances. Certain types of conduct and/or performance levels will almost certainly result in disciplinary action and, depending on the severity, may result in termination of employment. No list can be entirely comprehensive, but the following list includes examples of inappropriate behavior (unless due to protected concerted activity which are otherwise exempted):

- 1) Failure to provide satisfactory guest service;
- 2) Failure or refusal to comply with reasonable instructions or directions of management personnel;
- 3) Insubordination or discourtesy;
- 4) Interfering with another employee's ability to perform work;
- 5) Excessive absenteeism or tardiness;
- 6) Sleeping while on duty;
- 7) Leaving the restaurant or SJ premises during work hours without notifying a manager or other supervisory person, except during meal periods;
- 8) Disregarding safety regulations;
- 9) Falsifying employment records, employment information, or other SJ records;

- 10) Recording the work time of another employee or allowing any other employee to record your work time, or falsifying your or another employee's timecard;
- 11) Failing to accurately record all work time;
- 12) Failing to comply with SJ's meal period and rest break policies;
- 13) Threatening violence or harm to another individual;
- 14) Theft, unauthorized possession, giving away, or willful damage, of property (including food/drink) belonging to SJ, another employee, guest, or any individual on SJ premises;
- 15) Careless or improper handling of money, credit cards, and/or gift certificates;
- 16) Reporting to work with illicit drugs or alcohol in one's system;
- 17) Failing to follow SJ's Drug and Substance Abuse Policy;
- 18) Failing to follow SJ's Policy Against Harassment;
- 19) Failing to report to work for 3 consecutive days without notice or justification;
- 20) Refusing to cooperate in any Company investigation; and
- 21) Unauthorized disclosure of confidential Company information including employment information or performance results.

6.4 CONFLICTS OF INTEREST

All employees of SJ are expected to devote their best efforts to the performance of their jobs. Moreover, employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between their personal interests and the interests of SJ. A conflict of interest exists when the employee's loyalties or actions are divided between SJ's interests and those of another, such as a competitor, supplier, customer, or the self-interest of the employee.

The following are some examples of potential conflicts of interest:

- Using or disclosing proprietary or confidential SJ information for personal gain or to the Company's loss or detriment;
- Using SJ assets, equipment, supplies, resources, or employees for personal reasons or gain;
- Working for a competitor, supplier, or customer where this may result in the disclosure of proprietary or confidential information of SJ or its employees or otherwise poses a direct conflict of interest with the employee's work for the Company (including work scheduling conflicts); and

- Ownership or management of a competing business operation (ownership of less than one percent (1%) of the publicly traded stock of a corporation will not be considered a conflict of interest.)

Employees are required to disclose personal interests, relationships, or other circumstances that might constitute a conflict of interest. An employee who is unsure whether something constitutes a conflict of interest shall immediately disclose in writing and discuss the specific concern with their immediate supervisor or Human Resources in order to determine SJ's position on the issue. If an actual or potential conflict is determined to exist, SJ may take corrective action that it deems appropriate under the circumstances. Non-compliance with this policy may result in disciplinary action up to and including termination.

6.5 GIFTS, FAVORS AND ENTERTAINMENT

SJ employees are not allowed to personally accept from any of our customers, vendors, suppliers, or competitors any gift, entertainment, hospitality, or other favor of more than token value, or which goes beyond that which is customary and accepted business practice. An employee who has any doubt about the propriety of accepting or giving any gift or favor should contact Human Resources for direction.

6.6 CONFIDENTIALITY

All records and files of the Company are property of the Company and considered confidential. No employee is authorized to copy or disclose any file or record. Confidential information includes payroll or personnel records of past or present employees, financial records of the Company, all records pertaining to purchases from vendors or suppliers, and documents concerning Company menus, food preparation and operating procedures. All telephone calls, letters, or other requests for information about current or former employees should be immediately directed to Human Resources.

6.7 COURTESY TO CO-WORKERS

We are proud of our employee diversity and the ability of people from varying backgrounds to unite on the common ground of growing a productive SJ. When people work together, it is necessary to maintain courtesy standards that enable all individuals to communicate effectively and pleasantly with each other. This means that you should conduct your conversations in a cordial, non-demeaning manner.

6.8 DRESS AND APPEARANCE STANDARDS

The Company provides employees with uniforms and a laundering service at no cost to the employee. All employees are required to wear their uniform while working.

All employees are to practice good personal hygiene and be well-groomed. Jewelry should be kept to a minimum.

6.9 DRUG AND SUBSTANCE ABUSE

SJ is committed to a healthy and safe work environment. A key factor in meeting this commitment is the assurance of a workplace free from drugs, illegal substances and substance abuse. Employees are prohibited from carrying, transporting, dispensing, selling, buying, offering for sale or offering to buy, illegal or controlled substances when on SJ premises, attending SJ-related events and whenever conducting business-related activities off SJ premises.

It is the responsibility of every employee to notify management upon becoming aware of any alcohol or drug-related activity in violation of this policy.

If you are experiencing problems leading to or resulting from drug or alcohol abuse or dependency, we encourage you to seek counseling and referrals from Human Resources at 1-888-352-6283.

6.10 DRUG AND ALCOHOL SCREENING

To further protect our employees and guests, SJ reserves the right to require drug and alcohol tests as a condition of initial employment and continued employment in certain situations including:

- When there is a reasonable suspicion to believe an employee is under the influence of drugs or alcohol, or has the presence of illegal drugs in his/her system while working,
- Following a work related injury/accident where there is reasonable suspicion that drugs or alcohol may have contributed to the accident; and
- As part of occasional follow-up testing if the employee is found to have breached these policies but has been permitted to remain employed.

A positive test result or refusal to submit to a drug and alcohol test may be grounds for termination. SJ will take steps to protect the confidentiality of the results of drug and alcohol testing to the extent possible.

6.11 EMPLOYMENT RECORDS

It is each employee's responsibility to ensure their employment records and personal information (address, name, phone number, email address, etc.) are accurate throughout their employment. Please make sure to check your pay notification to maintain the most up-to-date information. This will ensure SJ will be able to communicate valuable employment related information in a timely manner.

Employees should provide updated information to Human Resources at 1-888-352-6283.

6.12 PERSONAL PHONE CALLS, CELL PHONES AND OTHER PERSONAL ELECTRONIC DEVICES

We must keep our phone lines open for business. Therefore, all employees should make personal phone calls from a cell phone or ask management before using a business phone.

Out of respect for our guests, personal cell phones and/or personal electronic devices must not be used or worn while working. In the event you choose to bring a personal cell phone or electronic device to work, it must be turned off or to “silent” mode so as not to be disruptive to business.

Where deemed necessary, SJ may provide an employee with a business cell phone. The cell phone remains the property of SJ and must be returned immediately upon request or termination of the employee’s employment, whichever occurs first.

Employees should refrain from operating cell phones, hand-held communication and electronic device while driving and comply with all applicable state or federal law.

6.13 RESPECT FOR COMPANY PROPERTY

Employees may not take SJ property (including confidential or proprietary information) off premises unless prior authorization from the appropriate manager has been received. If an employee intentionally damages SJ property, the employee may be responsible for the cost of repair.

Giving away free food or beverage without prior approval of the manager is not permitted and may result in disciplinary action.

6.14 INSPECTIONS AND SEARCHES ON COMPANY PREMISES

SJ believes that maintaining a workplace that is free of illegal or unauthorized materials is necessary in order to protect its employees. Illegal or unauthorized materials include such things as weapons, hazardous materials, and illegal drugs or paraphernalia. Therefore, subject to applicable law, SJ reserves the right to: (1) conduct inspections or searches at any time for Company purposes on SJ premises; (2) conduct inspections of employees, as well as any articles and property in their possession, while on SJ premises if SJ reasonably believes that a particular employee or group of employees is in possession of illegal or unauthorized materials while on SJ premises; and (3) conduct inspections of desks, lockers, file cabinets, furniture, office equipment, vehicles, electronic systems, packages, handbags, briefcases,

other carrying cases, containers, and other objects brought on to SJ property that might conceal illegal or unauthorized materials.

All SJ equipment—desks, lockers, file cabinets, furniture, office equipment, vehicles, electronic systems, and the like—belongs to the Company. Employees should have no expectation of privacy regarding Company property. Employees who fail to cooperate in an inspection or investigation will be subject to disciplinary action, up to and including termination.

6.15 SAFETY AND SECURITY

Achieving our goal of a safe and secure workplace means everyone must be safety conscious at all times. Employees must abide by our safety rules. This applies to employee conduct on Company property or on Company business.

Use of Personal Automobiles

If you choose to use your personal automobile for Company business, you are required to use your own insurance to cover any claims that might arise in the event you are involved in an accident. SJ expects its employees to operate their automobiles in strict compliance with all traffic laws and regulations including all laws regulating use of personal electronic devices while driving. If you receive a traffic citation while using your personal automobile for Company business, it is strictly your responsibility to pay all fines, court costs, etc.

Work Safety Precautions

While working at a restaurant, employees are expected to follow all of the following safety procedures:

- Wear a safety waist belt when lifting heavy objects.
- Wear stainless steel gloves when operating/cleaning, and/or maintaining the slicer. After using the gloves, the employee must clean and sanitize them.
- Wear cut-resistant gloves when using knives and cleavers.
- Wear vinyl gloves to protect hands from grease splashes when doing griddle cooking.
- Always use the pusher and not my fingers to push vegetables into vegetable cutter.
- Wear slip-resistant shoes.
- When changing the frying oil, wait for the oil to cool off before emptying.
- When lifting heavy pots and when lifting pots with hot liquids, obtain assistance from a fellow employee.
- Keep the floor clean, dry and grease-free and ensure a safe workplace.
- When reaching for or cleaning any object beyond reach, use a ladder or ask that a fellow employee assist.

Handling Hazardous Materials

It is likewise important for employees to follow all instructions for the use of equipment and chemicals.

- Ask your manager about proper use of equipment or chemicals you are unfamiliar with.
- Do not use chemicals you are not trained to use.
- Remember to read labels and use cleaning chemicals as directed.
- Never mix chemicals.
- Learn how to handle spills/accidents and know how, where, and when to get help.
- Wear correct protective clothing.
- Always use protective gloves with sterilizing liquids and when cleaning up items that may have come into contact with human blood or other bodily fluids. Never touch the items with your bare hands.

Personal Safety Guidelines

No one can guarantee personal safety at all times, but we can take steps to promote it. At SJ we ask you to at least do the following:

- Watch for unusual activity or suspicious people around SJ.
- Tell your manager if you suspect a problem.
- Never count money in public; it could give someone the idea to steal from you.
- Never follow or confront a guest outside of the restaurant. Instead, communicate your concerns to a manager.
- Keep all doors closed and locked before opening and after closing—without exception.

Reporting Accidents and Injuries

An employee injured on the job must notify the manager on duty immediately, no matter how minor the injury is perceived to be. Employee injuries must be documented on a Workers' Compensation Claim Form, especially if medical treatment is required or a workers' compensation claim is anticipated.

If a guest is injured, be caring, offer first aid, and notify the manager on duty immediately. Do not admit liability, discuss the incident with other guests, or relate similar situations. Assist your manager in filling out the incident report by collecting accurate facts, names of witnesses to the accident, or by calling for help if the manager requests it.

6.16 EMPLOYMENT VERIFICATION

Employees may not supply personal or employment information about a current or former employee to other employees or to outside sources, either on or off the record. Requests for information about an employee should be referred directly to a manager or Human Resources.

6.17 EMPLOYEE TRANSFERS

If you wish to transfer from one restaurant to another or from one position to another, you will first need to discuss the transfer with your manager. Be prepared to provide your reason for requesting the transfer. Eligibility for transfers requires a good-performance standing and meeting the requirements for the position in question. Eligibility is a requirement but does not guarantee that a transfer request will be approved. Transfer requests will be evaluated based on business needs.

6.18 WORKPLACE VIOLENCE

In keeping with SJ's commitment to a violence-free workplace, we have established an anti-violence standard prohibiting actual or threatened violence by employees against co-workers or other individuals. The standard also is intended to promote workplace security by addressing situations in which outsiders enter the workplace and engage in violent acts or threaten employees with violence. Although some kinds of violence result from social issues that are beyond our control, SJ believes it can adopt some measures that will increase security and protection for our employees. In order to accomplish this objective, we require the cooperation of all employees.

In cases where it is determined that an employee has violated this standard by threatening another individual with violence or engaging in violent behavior, the manager, Operations Supervisor, and/or Human Resources will determine the appropriate corrective action. In some situations, an individual who violates this standard may also be required to obtain counseling or other appropriate assistance.

Threats of Violence

Every threat of violence must be taken seriously. Threatening behavior includes throwing objects, making a verbal threat to harm another individual or to destroy property, making menacing gestures, expressing significant grudges against co-workers, and attempting to intimidate, bully or harass other individuals

Employees who find out about threats of violence at work must immediately report the threats to their manager; the manager will notify Human Resources; and Human Resources will, in turn, consult with appropriate resources to complete an assessment of the incident(s) and surrounding circumstances.

Imminent Risk of Violence

Any employee who becomes aware of actual violence, imminent violence, or threat of imminent violence must first get emergency assistance from a manager or from law enforcement by dialing 911. If law enforcement authorities are contacted first, the employee must report the incident to his or her manager who will immediately notify Human Resources. If the manager is not available, the employee should contact the Operations Supervisor or Human Resources directly.

Employees may report incidents of violence or threats of violence without fear of retaliation of any kind.

6.19 SECURITY AWARENESS AND ACCEPTABLE USE POLICY

All employees of the Company are required to understand the Security Policy protecting our credit card equipment and a set of Acceptable Use guidelines for these devices at the stores as defined in this policy.

The devices included in this policy are: i) a POS (Point of Sales) system, (ii) a card reader, (iii) a credit card processing device, (iv) receipt printer, (v) a VPN Router with (vi) 2 modems connecting to the internet. All these devices are referred to as “NDE” or Network Devices and Equipment.

Policy Details:

1. The NDE can only be used for the purposes of collecting cash or processing credit card payments; it is NOT to be used for any other purposes.
2. The NDE must be stored in a secured location, out of the reach of unauthorized personnel, customers and vendors.
3. The NDE cannot be moved or changed to other locations without the prior approval of the Head Office.
4. Employees or individuals with devices other than NDE such as memory sticks, laptops and cell phones, etc. are NOT allowed to connect to the network of the Company without prior approval of the Head Office.
5. All NDE failures must be reported directly to the IT department at Head Office. Employees are NOT permitted to fix any of the network devices on their own without being approved by the Head Office.
6. Storefront employees handling credit card transactions must pass Company training and comply with the processing procedures as set out in the Company’s training video.

7. Employees must comply with this security policy at all times; violation of the policy may result in disciplinary actions including the termination of employment.

6.20 COMPUTER USE AND SOCIAL MEDIA POLICY

Computer, Email and Internet Use

1. The Company may give you access to electronic devices: computers (desktop or laptop), point-of sale system, fax machines, copiers, electronic devices, smartphones, computer files, email system, internet and software. These items are the sole and exclusive property of the Company. You are responsible for maintaining any such device(s) or system with due care. You should not password protect any file without authorization. To make sure that all employees follow this policy, we may monitor your computer and email usage.
2. All business emails should be sent and received through your designated email account with sarkujapan.com.
3. No employees should use computers and email in ways that are disruptive, offensive to others, or harmful to morale.
4. You may not display, download, or email sexually explicit images, messages, or cartoons. You also may not use computers or email for ethnic slurs, racial comments, off-color jokes, or anything that another person might consider to be harassment or disrespectful.
5. If you know about any violations to this policy, notify your supervisor, the IT Administrator or any member of management. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.
6. The Company may provide you with internet access for job-related activities.
7. The equipment, services, and technology that you use to access the internet are the Company's property. All internet data is written, sent, or received through the Company's computer system is part of the Company's records. Employees should expect that all information created, transmitted, downloaded, received or stored in Company computers may be accessed by the Company at any time without prior notice. Employees should not assume (1) that they have an expectation of privacy or confidentiality in such messages or information (whether or not such messages or information are password-protected), or (2) that deleted messages are necessarily removed from the system. We may be legally required to provide such information to law enforcement or other parties. Therefore, you should always make sure that the business information contained in internet email messages and other transmissions is accurate, appropriate, ethical, and legal.

8. You may not use the internet to write, send, read, or receive data that contains content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person.
9. Examples of unacceptable content include (but are not limited to) sexual comments or images, racial slurs, gender-specific comments, or other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.
10. If you use the internet in a way that violates the law, the Employee Handbook or other Company's policies, you will be subject to disciplinary action, up to and including termination of employment.

Social Media Policy

This part of the Policy provides guidance for employee about the use of social media, which should be broadly understood for purposes of this Policy to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites (for example, Facebook, Twitter, LinkedIn, Whatsapp, or WeChat) and other sites and services that permit users to share information with others in a contemporaneous manner.

The following principles apply to professional use of social media on behalf of the Company as well as personal use of social media when referencing the Company.

1. Employees need to know and adhere to the Employee Handbook and other company policies when using social media in reference to the Company.
2. Employees should be aware of the effect their actions may have on their images, as well as the Company's image. The information that employees post or publish may be public information for a long time.
3. Employees should be aware that the Company may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that is neither inappropriate nor harmful to the Company, its employees, or customers.
4. Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
5. Employees are not to publish, post or release any information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with his/her supervisor or any management staff.

6. Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to Head Office Legal Department.
7. If employees encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor.
8. Employees should get appropriate permission before you refer to or post images of current or former employees, members, vendors or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
9. Social media use should not interfere with employee's responsibilities at the Company. Company's computer systems are to be used for business purposes. When using Company's computer systems, use of social media for business purposes is allowed, but personal use of social media networks or personal blogging of online content is discouraged and could result in disciplinary action. Subject to applicable law, after-hours online activity that violates the Employee Handbook or any other Company's policies may subject an employee to disciplinary action or termination.
10. If employees publish content after-hours that involves work or subjects associated with the Company, a disclaimer should be used, such as this: "The postings on this site are my own and may not represent the Company's positions, strategies or opinions."
11. Employees should keep the Company related social media accounts separate from personal accounts.



NEW YORK ADDENDUM TO THE EMPLOYEE HANDBOOK

TABLE OF CONTENTS

Introduction	1
What Is “Sexual Harassment”?	4
Retaliation	8
Reporting Sexual Harassment	9
Supervisory Responsibilities.....	9
Complaint and Investigation of Sexual Harassment	10
Legal Protections and External Remedies.....	12
New York Addendum to Employee Handbook	
Acknowledgment of Receipt	15
Appendix – Complaint Form for Reporting Sexual Harassment	18



Introduction

This Policy is a guide to the Sexual Harassment & Workplace Discrimination Prevention Policy of Sarku Japan and all of its affiliated brands (collectively, “SJ” or “Company”) operating in the state of New York.

Purpose and Goals

SJ is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but SJ recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual’s race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual’s intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of SJ commitment to a discrimination-free work environment.

Goals of this Policy:

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged

to report sexual harassment or discrimination by filing a complaint internally with SJ. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

Sexual Harassment and Discrimination Prevention Policy:

1. SJ policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with SJ. For the remainder of this policy, we will use the term “covered individual” to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of SJ who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Human Resources at 1-888-352-6283. All employees and

covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.

4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject SJ to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. SJ will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. SJ will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, SJ will act as required. In addition to any required discipline, SJ will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to Human Resources at 1-888-352-6283.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of SJ policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;

- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - o Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or

other job benefits;

- This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
- o Subtle or obvious pressure for unwelcome sexual activities; or
- o Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - o Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - o Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - o This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - o Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, or name-calling;
 - o Intentional misuse of an individual's preferred pronouns; or
 - o Creating different expectations for individuals based on their perceived

identities:

- Dress codes that place more emphasis on women's attire;
- Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager or Human Resources at 1-888-352-6283. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or Human Resources at 1-888-352-6283.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to Human Resources at 1-888-352-6283. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for

individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. SJ will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

SJ recognizes that participating in a harassment investigation can be

uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, Human Resources at 1-888-352-6283:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, Human Resources at 1-888-352-6283 will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. Human Resources will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by SJ, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to SJ does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can

be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New

York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Conclusion

The policy outlined above is aimed at providing employees at SJ and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

New York Addendum to Employee Handbook

Acknowledgment of Receipt

By signing this document, I acknowledge that I received a copy of the New York Addendum (the “Addendum”) to Sarku Japan’s Employee Handbook dated January 1, 2016 (the “Handbook”). This Addendum will be effective from June 1, 2024. I acknowledge having received training on sexual harassment prevention and have been provided an opportunity to review the Addendum and ask questions. I agree to comply with the contents of the Addendum.

I understand that the Addendum is not intended to cover every situation that may arise during my employment, but is simply a general guide to the goals, policies, practices, benefits and expectations of Sarku Japan. I understand that this Addendum (and the Handbook) replaces any and all prior handbooks, policies and practices of Sarku Japan. I understand that in the event any provision in this Addendum conflicts with the laws of the state where I am employed, the applicable law will supersede the conflicting provisions in this Addendum.

I understand that my employment is at-will and I am free to terminate my employment at any time, with or without reason. Likewise, Sarku Japan has the right to terminate my employment, or otherwise discipline, transfer, or demote me at any time, with or without reason, at its discretion. In addition, I understand that the terms and conditions of my employment, including compensation, position, title, and responsibilities can change at any time at the sole discretion of Sarku Japan. I understand that the at-will nature of my employment cannot be changed except in a written document signed by me and Sarku Japan’s Chairman & CEO.

If I have any questions regarding this Addendum, I will bring them to the attention of my supervisor or another member of management or Human Resources at 1-888-352-6283.

Signed: _____

Employee Signature

Date

Employee Name-Please Print

Appendix

Complaint Form for Reporting Sexual Harassment



Combating
Sexual Harassment

This Form is for use to report Sexual Harassment complaint in Sarku Japan and all of its affiliated brands (collectively, “SJ” or “Company”) operating in the state of New York.

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Human Resources at 1-888-352-6283. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor’s Name:

Job Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Job Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other
(please specify)

2. Please describe what happened and include as many details as possible. You may use additional sheets of paper if necessary. If you have any relevant documents, please include them.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. If possible, please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously provided information (verbal or written) about related incidents? If yes, when and to whom did you provide information?

This is not required, but if you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____

Date: _____

* * * * *

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Sexual harassment occurs on a spectrum and employers are encouraged to view all potential allegations with an open mind. Disciplinary action should meet the severity of the alleged actions.

Employers should document the findings of the investigation and basis for your decision along with any corrective actions taken. Notify the employee and the individual(s) against whom the report was made of the investigation's outcome and corrective actions taken. This may be done via email.



www.sarkujapan.com

HR Hotline / Línea directa de
recursos humanos:

1-888-352-6283