



Elmer Smith Oil Company

Employee Handbook

2012

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1. Introduction

About This Handbook

We give you this handbook as a summary description of the policies, practices, and employee benefits for employees at your office. We hope this handbook will help foster open communication and serve as a useful reference.

This handbook summarizes some, but not all, of the principal human resource policies in effect at the time it was issued. However, policies can and do change. Where the handbook differs from new or revised policies and practices later adopted by Elmer Smith Oil Company (the "Company"), the new or revised policy shall control. We will try to inform you of any changes as soon as possible.

Please read this handbook carefully and refer to it frequently. It is your responsibility to be familiar with the contents, any amendments to the handbook, and the policies and practices of the Company. You can obtain additional information or clarification about the other benefits and policies of the Company from your supervisor or Human Resources Representative. This handbook is considered Confidential Property of the Company and is not to be reproduced or given to anyone outside the Company. Should you leave the Company's employ, you may not take a printed copy with you.

This handbook is not a contract, express or implied, guaranteeing employment for any specific duration. Either you or the Company may terminate this relationship at any time, for any reason, with or without cause or notice. Please understand that no supervisor, manager, or representative of the Company has the authority to enter into any agreement with you for employment for any specified period of time or to make any promises or commitments contrary to the foregoing. Further, any employment agreement shall not be enforceable unless it is in a formal written agreement and signed by you and the Company president.

Welcome to Elmer Smith Oil Company

You are a part of a unique team of professionals that is the best in the industry.

As leaders, we must take the high road. Taking the high road means that our work is consistent with our values. We are driven by our customers. We operate with integrity and we deliver on our promises. This includes being visible with our own employees, with our customers and within the industry, and earning the largest share of customers possible.

We are pleased to provide you with access to this Employee Handbook that summarizes some, but not all, of our policies, practices, and employee benefits. Please read it carefully.

While we prepared this handbook as a general source of information about your employment, obviously not all of your questions can be answered here. If you have questions, or suggestions, please speak with your Supervisor or Human Resources Representative.

Due to the demands of our industry and the rapid change of government regulations, we reserve the right to modify, change, remove, replace, or implement benefits, policies or procedures at any time. This handbook should only be considered a set of guidelines and must not be regarded as a "contract" or guarantee of any kind. We will make every attempt to keep you advised and updated about any changes that affect you.

Our people make the difference and our strength is our local knowledge. We strive to employ achievement oriented individuals with the highest personal qualities and integrity. We have high standards of performance, personal capabilities and most importantly, a strong positive relationship with our customers.

About Our Company

Elmer Smith Oil subsidizes Domino Food Fuel and Domino Transports.

Your Company's Portal

Throughout this handbook, you will see references to the Company's Portal. The Company-wide intranet Portal is a business tool that helps us work smarter, be more productive and save money. Using the latest technology to gather information and tools from around the Company, the Portal makes information readily accessible, such as the Company policies referred to in this handbook. You can access the Portal by logging onto **<https://portal.adp.com>**

Changes in Policy

The competitive environment and other conditions of this business are constantly changing. **The Company, therefore, expressly reserves the maximum amount of discretion permitted by law to administer, interpret, discontinue, review, modify, and change any of its respective benefits, policies and plans, including those covered in this handbook, at any time with or without prior notice.** Employees will be notified about such changes by notices posted on the employee bulletin boards and/or by written memo. Changes shall become effective on the dates determined by the Company. You may not rely on policies that have been amended and replaced. No supervisor, manager or representative of the Company has the authority to alter the foregoing.

If you are uncertain about any policy or procedure, please check with your supervisor or the Human Resources Department.

2. Employment Policies

“At Will” Employment Relationship

Each employee’s employment relationship with the Company is voluntarily entered into and employees are free to resign at any time with or without notice. Similarly, the Company is free to end any employment relationship at any time, with or without cause and with or without notice. Accordingly, there is no promise that your employment will continue for a set period of time or that an employee’s employment will be terminated only under particular circumstances. The relationship between the Company and the employee is and always will be one of voluntary employment ‘at-will’. Only the President of the Company can enter into an agreement contrary to this policy. Any such agreement must be in writing and signed by both the employee and the President.

Equal Employment Opportunity

Elmer Smith Oil Company is an Equal Opportunity Employer. We are committed to a workplace environment that encourages growth and respect for all current and prospective employees based upon job-related factors, such as their educational background, work experience and ability to perform the essential functions of a particular job. It is the policy and practice of this Company to prohibit any form of discrimination or harassment based on race, color, age, national origin, religion, sex, veteran, disability, genetic information or any other status protected under applicable federal, state or local law. Support and belief in this principle is a basic responsibility of all Company employees.

We believe that our continued success depends upon our ability to maintain a leadership role in the attraction, development and retention of a highly competent work force and to create a climate for effective and productive use of our human capital. We are convinced the talent exists, across all population groups, to reach this end. We will conduct our business with due regard to the human dignity and self-worth of each individual.

Our management is guided by ethical standards that comply with legal requirements. These standards will be implemented on an affirmative basis to ensure that equality of opportunity is afforded to all applicants and employees, including disabled persons, minorities, older workers, Vietnam-era veterans and special disabled veterans, women and other protected groups that are included within its scope.

Accommodation of Individuals with Disabilities

The Company complies with the Americans with Disabilities Act (ADA), the Americans with Disabilities Amendments Act (ADAAA) and applicable state and local laws providing for nondiscrimination in employment against qualified individuals with disabilities. The Company also provides reasonable accommodation for such individuals in accordance with these laws. It is the Company's policy to, without limitation:

- Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment
- Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in separate confidential files
- Provide applicants and employees with disabilities with reasonable accommodation to perform the essential functions of their job positions, except where such an accommodation would create an undue hardship on the Company
- Notify individuals with disabilities that the Company provides reasonable accommodation to qualified individuals with disabilities, by including this policy in the Company's employee handbook

To request more information about the reasonable accommodation process at the Company and/or to request an accommodation, please contact Human Resources.

Immigration Law Compliance

The Company is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, as amended, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Company within the past three years, or if their previous I-9 is no longer retained or valid. Employees with questions or seeking more information on immigration law issues are encouraged to contact Human Resources. Employees may raise questions about immigration law compliance without fear of reprisal.

Workplace Harassment Policy

Elmer Smith Oil Company has adopted a policy of "zero-tolerance" with respect to unlawful workplace harassment. In this connection, the Company expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, military or veteran status, or status in any group protected by state or local law. Improper interference with the ability of Company employees to perform their expected job duties is not tolerated.

With respect to sexual harassment, the Company prohibits the following:

- Unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:

Submission to such conduct is made either explicitly or implicitly a term or condition of employment

Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment

Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment

- Offensive comments, jokes, innuendoes, and other sexually oriented statements.

Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body
- Sexually suggestive touching
- Grabbing, groping, kissing, or fondling
- Violating someone's "personal space"
- Whistling
- Lewd, off-color, sexually oriented comments or jokes
- Foul or obscene language
- Leering, staring, or stalking
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons
- Unwanted or offensive letters or poems
- Sitting or gesturing sexually
- Offensive e-mail or voice-mail messages

- Sexually oriented or explicit remarks, including written or oral references to sexual conduct
- Gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess
- Questions about one's sex life or experiences
- Repeated requests for dates
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided
- Sexual assault or rape
- Any other conduct or behavior deemed inappropriate by the Company

Harassment Complaint Procedure

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their coworkers.

If you experience any job-related harassment based on your sex, race, national origin, disability, or another factor, or believe that you have been treated in an unlawful, discriminatory manner, promptly report the incident to your supervisor. If you believe it would be inappropriate to discuss the matter with your supervisor, you may bypass your supervisor and should report it directly to Bill Hough at 580-331-3708 or bhough@elmersmithoil.com or Amy Smith at 580-331-3736 or asmith@elmersmithoil.com and an investigation will be conducted. Your complaint will be kept confidential to the maximum extent possible.

If the Company determines that an employee is guilty of harassing another employee, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.

The Company prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, the Company determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information, up to and including termination from employment.

Code of Conduct

The Company has an outstanding reputation for ethical behavior and fair dealing.

In the performance of your job duties you may deal with a variety of people and organizations. Failure to interact courteously and tactfully with managers, co-workers, customers, vendors, or fellow employees to the point that productivity or morale suffers may be subject to immediate disciplinary action up to and including termination.

All employees are prohibited from engaging in any conduct that reflects adversely on the reputation and business of the Company. All employees benefit from an atmosphere of good ethical conduct. Employees who are aware of suspected misconduct, abuse of Company assets, or other violations of the Code of Conduct Policy are responsible for reporting such matters to their supervisor or Human Resources.

Conflict of Interest

No employee shall directly or indirectly engage in any outside business or financial activity that will in any way conflict with the interests of the Company or that interferes with an employee's ability to fully perform his or her duties. Such activity may result in termination of employment. Any such possible conflict should be discussed with your supervisor and Human Resources to avoid any future problems.

Secondary Employment

The Company recognizes that an employee may accept secondary employment or participate in other activities or organizations. Employees are expected to be available for all scheduled work, including overtime, as needed. Any outside interests, business, financial activity or employment which affect job performance or result in a direct or indirect conflict of interest or competition will not be permitted. Speak to your supervisor if you encounter a situation which appears to be in conflict with this policy.

Employment of Relatives

Company employees may refer friends and relatives for possible employment by the Company. Such referrals are processed in accordance with the regular procedures used for all applicants. Employment decisions are based on each applicant's qualifications and work history. Company policies and procedures governing hiring practices must be followed. Candidates will **not** be given preferential treatment for either employment or an internal job change based on any family or cohabitating relationship.

The employment of relatives who are qualified for employment at the Company is subject to the following policy provisions.

For reasons of supervision, safety, security, and morale, close relatives and members of the same household cannot be employed in positions where one has supervisory responsibility for the other or makes employment decisions pertaining to the other.

This prohibition extends to instances which:

- Require one relative to review or process the work of the other
- Give one relative the opportunity to review or recommend salary levels or increases of the other
- Put the relatives in frequent contact with each other
- information where communication of such information to the other may prove detrimental to the best interests of the Company

Prior to hire, approval by Human Resources is required whenever any relative or cohabitant is being considered for employment.

For purposes of this policy only, **close relatives** are defined as the employee's spouse, child, parent, brother, sister, grandparent, grandchild, or anyone cohabiting with a Company employee.

In situations where two employees become close relatives as defined by this policy and one has supervisory responsibility for the other or makes employment decisions pertaining to the other, one of the individuals will be required to either transfer or terminate employment with the Company within ninety (90) days of becoming close relatives under this policy.

Romantic Relationships

The Company desires to avoid misunderstandings, actual or potential conflicts of interest, complaints of favoritism, possible claims of sexual harassment, and the employee morale and discord problems that can potentially result from romantic relationships involving managerial and supervisory employees in the Company or certain other employees in the Company.

A manager or supervisor who becomes romantically involved with someone he/she supervises, and with someone whose terms and conditions of employment he/she has the ability to influence, exposes him/herself and the Company to charges of favoritism, improper use of authority, and possibly sexual harassment. In order to avoid the dangers of management fraternization with a subordinate employee, and to help prevent even the appearance of improper conduct, it is the Company's policy that managers, supervisors, or any other employee who has the authority to directly or indirectly affect the terms and conditions of another's employment shall not fraternize with that employee. The

fraternization prohibited by this policy includes dating, romantic involvement, sexual relations, or the exchange of affections.

Additionally, all employees, both managerial and non-managerial, are discouraged from fraternizing or becoming romantically involved with other employees, when, in the opinion of the Company, their personal relationships may create a conflict of interest, cause disruption, create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security, or morale.

All employees should also remember that the Company maintains a strict policy against unlawful harassment of any kind, including sexual harassment. The Company will vigorously enforce this policy consistent with all applicable federal, state, and local laws.

Solicitations

Solicitation of employees for most reasons constitutes an unwanted intrusion into an employee's time and/or money. We believe that employees should not be harassed, disturbed, or disrupted in the performance of their job duties. For this reason, solicitation of any kind by an employee of another employee is prohibited while either person is on working time. Similarly, the distribution of advertising material, handbills, printed or written literature of any kind in working areas of our Company is prohibited at all times.

To avoid harassment by strangers, solicitation of any kind by non-employees is prohibited at all times. The distribution of literature by non-employees on Company premises also is prohibited at all times.

The Company reserves the right to take action, up to and including termination, with regard to those individuals who are unable to conduct their behavior within acceptable standards as spelled out by this policy.

Employment of Minors

Employees must be 18 years of age or older. Domino Food & Fuel employees must be at least 16 years of age or older, but cannot use slicers or operate heavy machinery until age 18.

Drug and Alcohol Policy

Elmer Smith Oil Company and its affiliated companies, Domino Transports, Inc. and Domino Food and Fuel, Inc., are committed to maintaining a drug-free workplace in compliance with applicable state and federal laws. The Company has a responsibility to its employees, business visitors and customers to provide a safe, secure and efficient working environment. Drug and alcohol abuse can

seriously endanger safety and undermine our commitment to quality and operational excellence. The Company also has a legal commitment and duty to abide by the provisions of the U.S. Drug-Free Workplace Act of 1988 (as amended) to providing a drug and alcohol-free workplace.

It is the policy of Elmer Smith Oil Company, Domino Food & Fuel and Domino Transports, that no employee shall be allowed to use, possess, purchase, sell, manufacture, transfer, or have present in one's system illegal drugs, intoxicants, alcohol, or any controlled substance at any time on any company premises or while performing work for Elmer Smith Oil Company, Domino Food and Fuel or Domino Transports, Inc., or acting as agent for Elmer Smith Oil Company while off company premises. Furthermore, because of the illegality, dangerousness, and destructive effects of illegal drugs, off the job use, possession, purchase, sale, manufacture, or transfer of illegal drugs is similarly prohibited. "Illegal drugs" include legal prescription medications for which the person using, possessing, purchasing, or selling has no prescription in his or her name.

Employees are responsible for reviewing and acknowledging Elmer Smith Oil Company's full Drug and Alcohol policy. It will be distributed separately.

Disciplinary Action

The Company reserves the right to administer disciplinary rules and procedures based upon its interpretation of the facts of the incident(s) and to adapt disciplinary procedures or use immediate discharge when such actions may be in the best interest of the Company. In that regard, employees are forewarned that certain types of conduct are likely to result in immediate termination. These include (for example only and is not limited to) unauthorized removal of company or other employee's property, dishonesty, breach of confidentiality, fighting, insubordination, deliberate violation of policies and practices adopted by this office, and any other personal conduct that reflects negatively on the business and reputation of the Company.

As is true of any group of people working together, from time to time, there are situations when a specific policy or an obvious rule of common sense is broken. In these cases, the Company will see that issues of misconduct are investigated thoroughly and the application of Company policies is handled in a fair and consistent manner.

Termination

Because your employment at the Company is "at-will," either you or the Company can terminate the employment relationship at any time, for any reason or no reason at all, with or without notice.

The primary categories the Company uses for terminating employees are voluntary and involuntary, with all reasons for termination falling under one of these primary categories.

Voluntary

A letter of resignation to your supervisor and human resources is appropriate for voluntary termination. This letter must be signed, dated and state what the last working day will be. This letter will be placed in the employee's personnel file. It would be helpful if you gave as much advance notice as possible. It is customary for management or supervisory personnel to give at least one month notice and non-management/non-supervisory staff to give two week notice. Aside from resignation, the Company also considers extended absence without proper notification, and failure to return to work after the conclusion of leave of absence, vacation, personal days, etc. as voluntary forms of termination.

Involuntary

Involuntary termination occurs if the Company initiates an employee's termination. This can occur without advance notice, for any or no reason. Some of the reasons for involuntary termination are: insubordination, falsification of employment records, unsatisfactory job performance, unacceptable workplace conduct, absenteeism, theft, dishonesty, mistreatment or disrespect toward other employees, visitors, or other members of the public, and/or violation of any Company policies or rules. Involuntary termination could also occur as a result of reduction in staff. These examples are not exclusive.

Retirement

Retirement is considered a special form of resignation. Employees will be asked to provide a letter to the Company signed, dated and stating when their intended retirement date will be. It would be helpful if you give as much advance notice as possible.

Exit Interview

Prior to an employee's departure, an exit interview may be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits. Departing employees should complete any forms necessary for the transfer or termination of benefit programs. All employees are required to return computers, cell phones, Company tools, manuals, training manuals, customer and pricing lists, Company files, keys, sales office vehicles, supplies, or any other Company property.

Employment References

It is Company policy to maintain strict confidentiality with respect to all matters relating to the employment or termination of employment of any current or

former employee. This policy is for the benefit of both the Company and its employees. The purpose of this policy is to avoid possible claims against the Company based on defamation and to minimize any embarrassment or difficulties if employment is terminated under adverse circumstances.

Any requests for employment references must be directed to Human Resources. No other employee is authorized to provide any employment references or information about any current or former employee.

Further, the verbal information provided in response to inquiries about current and former employees will be limited to:

Date of hire

Date of termination

Current or last position held

The following statement:

It is the policy and practice of the Company not to disclose any other information about any of its current and former employees. Our decision not to provide any further information about current and former employees should not be considered as a negative comment about the character or performance of such employee.

Information relating to the attitude and job performance of current or former employees, the reason(s) for their termination or discharge, and their eligibility for rehire should **not** be disclosed under any circumstance.

3. Employee Benefits

A. Time-Off Benefits

New employees may be required to work for the Company for a certain period of time before they are eligible for certain benefits, including, but not limited to, holidays, vacation days and medical benefits. Please contact Human Resources for details.

Company Holidays

The Company observes the following paid holidays each year for salary, exempt employees only and they may change from year to year:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

Holidays that fall on a Saturday, will usually be observed on the prior Friday. Holidays that fall on a Sunday, will usually be observed on the following Monday. If a holiday falls during a scheduled vacation, it will not count as vacation and will be treated as a holiday.

If a non-exempt employee is required to work on a paid scheduled holiday, they will receive holiday pay. Non-exempt employees required to work on Easter Sunday and after 3:00 p.m. on Christmas Eve and New Year's Eve, will be paid 1 ½ times their normal rate of pay.

Vacation and Paid Time Off

The Company provides paid vacation for employees to take time for rest and recuperation. The Company encourages employees to use available vacation time. If vacation is not used by your yearly anniversary date, it will be forfeited.

Vacation will be paid at the employee's base rate at the time it is taken. Vacation pay does not include overtime or any special forms of compensation such as incentives, commissions, bonuses or shift differentials. If a holiday falls during the employee's vacation, the day will be charged to holiday pay, rather than vacation pay.

Paid Time Off Policy Domino Food and Fuel

Non-exempt (hourly) employees in Domino Food and Fuel will be awarded paid time off after one year. Paid time off is calculated at an accrual rate of .0196 hours of paid time off for every hour work. At this rate if an employee works 40 hours per week every week for one year they will receive 40 hours of paid time off. Paid time off is available after an employee's first anniversary date. Paid time off must be used within each anniversary year, and paid time off is not paid upon termination of employment.

Vacation: Domino Transports Drivers

Company drivers will be awarded one week of paid vacation after one year of service. After 5 years of service, a driver will be awarded two weeks of paid vacation. Vacation is paid is based on average daily rate of your previous 12 month salary. Vacation is available after an employee's first anniversary date. Vacation must be used within each anniversary year and is not paid upon termination of employment. A driver must use one week of vacation consecutively.

Vacation Policy Elmer Smith Oil Company, Salaried Employees

Salary employees will accrue thirty-two (32) hours of paid time off during his/her first year of employment. Accrual will be based on a per payroll basis.

Upon a salary employee's first anniversary, he/she will be accruing vacation time. The accrual rates for vacation are shown accordingly in the schedule below:

Salary Employee's Vacation Accrual Schedule

Years of Service	Annual Vacation
1	40 hrs
2 – 9	80 hrs
10+	120 hrs

To schedule vacation time, employees should submit a request to the supervisor at least two weeks before the requested leave. Requests will be approved based on a number of factors, including department operating and staffing requirements.

Unused, accrued vacation will not be paid at termination. If employment is terminated and the vacation balance is in the negative, the employee agrees to reimburse the company for the cost of the vacation advance.

Sick Time

The Company provides five (5) paid sick days per year for **salary employees**. Salary employees are eligible to use sick days for illness or injury sustained by the employee and/or by a family member of the employee's household.

Unused sick days may be carried over to the following calendar year with a maximum of ten (10) days. Employees will not be granted additional sick days until the balance fall back below the maximum level of ten (10) days.

Family and Medical Leave Act (FMLA)

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact Amy Smith in Human Resources at 580-331-3736 or asmith@elmersmithoil.com

Employees Eligible for FMLA Leave

FMLA leave is available to "eligible employees." To be an "eligible employee," an employee must: (1) have been employed by the Company for at least 12 months (which need not be consecutive); (2) have been employed by the Company for at least 1250 hours of service during the 12 month period immediately preceding the commencement of the leave; and (3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

Employee Entitlements for FMLA Leave

As described below, the FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration. The FMLA also entitles employees to certain written notices concerning their potential eligibility for and designation of FMLA leave.

Basic FMLA Leave Entitlement

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12 month period. The 12 month period is determined on a rolling 12 month period. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care

- To care for the employee's spouse, son, daughter or parent (but not in-law) who has a **serious health condition**
- For the employee's own **serious health condition** (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job
- Because of any **qualifying exigency** arising out of the fact that an employee's spouse, son, daughter or parent is a covered military member who is a member of a regular component of the Armed Forces on active duty or has been notified of an impending call or order to active duty status for deployment to any foreign country in the regular or reserve components of the Armed Forces, including the National Guard or Reserves

A **serious health condition** is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Additional Military Family Leave Entitlement (Injured Servicemember Leave)

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered servicemember** is entitled to take up 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A **“covered servicemember”** means a member of the Armed Forces, including a member of the National Guard or Reserves, and/or a veteran of the Armed Forces, including a veteran of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness. Such veteran is considered a covered servicemember if he/she was a member of the Armed Forces, including the National Guard and Reserves, at any time during the five-year period preceding the date on which the veteran undergoes medical treatment, recuperation or therapy. A covered servicemember of the Armed Forces would have a serious injury or illness if he/she has incurred an injury or illness in the line of duty while on active duty in the Armed Forces or if he/she has an injury or illness that was incurred before the covered servicemember’s active duty and was aggravated by service in the line of duty while on activity duty; provided that the injury or illness may render the servicemember medically unfit to perform duties of the member’s office, grade, rank or rating. A serious injury or illness of a veteran is further defined to encompass an injury or illness incurred in the line of duty while on active duty, or which existed prior to active duty but was aggravated by service in the line of duty while on active duty, and that manifested itself either before or after the covered servicemember became a veteran.

Intermittent Leave and Reduced Leave Schedules

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember.

Protection of Group Health Insurance Benefits

During FMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

Restoration of Employment and Benefits

At the end of FMLA leave, subject to some exceptions including situations where job restoration of “key employees” will cause the Company substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The Company will notify employees if they qualify as “key employees”, if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee’s FMLA leave.

Notice of Eligibility for, and Designation of, FMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from the Company telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the Company's designation of leave as FMLA-qualifying or non-qualifying, if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The Company may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the Company's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the Company and employee can mutually agree that leave be retroactively designated as FMLA leave.

Provide Notice of the Need for Leave

Employees who take FMLA leave must timely notify the Company of their need for FMLA leave. The following describes the content and timing of such employee notices.

Content of Employee Notice

To trigger FMLA leave protections, employees must inform the Company of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the Company to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- A medical condition renders them unable to perform the functions of their job
- They are pregnant or have been hospitalized overnight
- They or a covered family member are under the continuing care of a health care provider
- The leave is due to a qualifying exigency caused by a covered military member being on active duty or called to active duty status
- The leave is for a family member, the condition renders the family member unable to perform daily activities or the family member is a covered servicemember with a serious injury or illness

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the Company's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the Company has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

Timing of Employee Notice

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the Company notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules

When planning medical treatment, employees must consult with the Company and make a reasonable effort to schedule treatment so as not to unduly disrupt the Company's operations, subject to the approval of an employee's health care provider. Employees must consult with the Company prior to the scheduling of treatment to work out a treatment schedule which best suits the needs of both the Company and the employees, subject to the approval of an employee's health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the Company may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the Company may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the Company of the reason why such leave is medically necessary. In such instances, the Company and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the Company's operations, subject to the approval of the employee's health care provider.

Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification**, and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide the Company with timely, complete and sufficient medical certifications. Whenever the Company requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the Company's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The Company shall inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The Company will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the Company (through individuals other than an employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the Company with authorization allowing it to clarify or authenticate certifications with health care providers, the Company may deny FMLA leave if certifications are unclear.

Whenever the Company deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

Initial Medical Certifications

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days notice of medical leave, they

should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the Company has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the Company's expense. If the opinions of the initial and second health care providers differ, the Company may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the Company and the employee.

Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the Company medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The Company may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the active duty or call to active duty status of a covered military members, the Company may require employees to provide: 1) a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or call to active duty status and the dates of the covered military member's active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different active duty or call to active duty status of the same or a different covered military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the Company may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the Company may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

Substitute Paid Leave for Unpaid FMLA Leave

Employees must use any accrued paid time while taking unpaid FMLA leave. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leaves and the paid time will run concurrently with an employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement. Upon request, the Company will allow employees to use accrued paid time to supplement any paid disability benefits.

Pay Employee's Share of Health Insurance Premiums

As noted above, during FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the Company notifies employees of other arrangements, whenever employees are receiving pay from the Company during FMLA leave, the Company will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working. If FMLA leave is unpaid, employees must pay their portion of the group health premium.

The Company's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Company will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control) they will be required to reimburse the Company for the cost of the premiums the Company paid for maintaining coverage during their unpaid FMLA leave.

Coordination of FMLA Leave with Other Leave Policies

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the Company's other leave policies or contact Human Resources.

Questions and/or Complaints about FMLA Leave

If you have questions regarding this FMLA policy, please contact Human Resources. The Company is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the Human Resources Department immediately. The Company will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

Personal Leave

The Company may grant an unpaid personal leave of absence for unique or extraordinary reasons. Granting of such leaves will depend upon the merits of each case; including the effect the employee's absence will have on the workload of other employees, the employee's job performance, absenteeism and the department's ability to meet customers' needs. Personal leaves of absence are unpaid leaves, and they carry no job protection benefits or guarantees of reinstatement. A personal leave is defined as an absence of five (5) or more consecutive calendar days or longer. Generally, personal leaves of absence can be up to 90 calendar days in duration in a rolling 12-month period. This policy applies to all nonunion full-time and regular part-time employees with at least one year of continuous service. Only in exceptional situations and with approval from senior management will a leave of absence be granted to an employee having less than one (1) year of continuous service.

All requests for personal leave of absence are subject to management approval after considering Company and customer needs and the nature and length of the employee's request. A personal leave is approved with the understanding that the employee intends to return to work on an agreed date at the conclusion of the leave. Failure to return or request a leave extension by the agreed return date will be considered a voluntary resignation.

Benefits are suspended during the period of absence except length of service credit (this applies only to leaves not covered under FMLA). An employee's regular wages or salary is suspended during a personal leave of absence. Insurance coverage is

continued through the end of the month in which a personal leave of absence is requested.

The Company requires the employee to use earned vacation time during this period. If there is no available vacation time, such leave shall be without pay.

The Company reserves the right to terminate the employee if the employee receives unapproved payment for employment outside normal Company employment during an approved personal leave of absence. Reinstatement will not be guaranteed to any employee taking a personal leave of absence. Every effort is made to place the returning employee into the same or similar position, if possible. However, during any period of leave the Company retains the right to fill, alter, or eliminate a vacant position if required by business needs.

Military Leave (USERRA)

The Company is committed to protecting the job rights of employees in the uniformed services. A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Eligible employees may take up to five cumulative years of leave under this policy.

Advance notice of military service and a copy of service orders are required. Unless military necessity prevents such notice or it is otherwise impossible or unreasonable, notice must be provided within 30 days of active service.

Military leave will be unpaid. However, employees may elect to use accrued paid time off for the absence. Except as otherwise indicated by Company policy, benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Company health insurance coverage will continue until the end of the month following the month in which the employee last worked. The employee will be required to pay his or her normal employee share of the premium during this time. After this period, the employee has the right under COBRA to elect continuing group health insurance, at the employee's expense, for up to 24 months following separation from employment.

An employee who takes leave under this policy will be eligible for reemployment, provided that the employee was honorably discharged from military service and provides discharge documentation.

A returning employee must seek timely reinstatement depending upon the length of the military service, as follows, or defined by applicable state law:

Length of Service	Time Limit for Seeking Reinstatement
Less than 31 days	By the start of the first work day that begins at least eight hours after the completion of service
31 to 179 days	No later than 14 days following the completion of service
180 days or more	No later than 90 days following the completion of service

An employee who is hospitalized for an injury or illness incurred or aggravated during military service will have up to two years following the completion of service to submit an application for reemployment to Human Resources.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA.

Length of Service	Reemployment Position(s)
90 or fewer days	Position that the employee would have held if employment had not been interrupted by military service; or Employee's previous position.
More than 90 days	Position that the employee would have held if employment had not been interrupted by military service; or A position of like seniority, status and pay for which the employee is qualified, with or without reasonable efforts by the Company to help the employee become qualified.

Bereavement Leave

Employees may use sick time for bereavement leave, which should include the day of the funeral, upon the death of the following persons: spouse, parent, child

or grandchild, brother/sister, parent-in-law, brother/sister-in-law, son/daughter-in-law, and grandparent.

The employee is responsible for notifying his or her supervisor as soon as possible when death occurs in the immediate family. The employee must provide proof of relationship and/or proof of attendance at the funeral, such as an obituary clipping, funeral card, or other similar document.

The Company, at its option, may change, delete, or discontinue parts of the handbook in its entirety, at any time or without prior notice. In the event of a policy change, employees will be notified. Any such action shall apply to existing as well as to future employees.

Jury Duty

The Company recognizes the civic responsibility of jury service in the federal and state court systems by permitting time off from work when an employee is summoned to jury. Employees may elect to use sick or vacation time during jury duty leave.

Voting Leave

We encourage you to exercise your voting privileges in local, state, and national elections. However, since the polls are open for long periods, you are encouraged to vote before or after regular working hours. You are entitled to take a reasonable amount of time off from work to vote without a loss of wages. Please remember that your absence from your job can cause disruptions and reduced productivity.

Oklahoma: Employees are granted two hours of leave to vote without any loss of pay or benefits. Employers are entitled to select the time the employees vote during work hours. The provision doesn't apply to individuals whose workday begins three hours or more after the opening of the polls or whose workday ends three hours or more before polls close. Employees must notify employers the day before the election day of the need for leave.

B. Group Health and Related Benefits

Our Employee Benefits Programs

The Company offers its employees a comprehensive benefits program. Part time hourly employees should contact Human Resources to see if they are eligible for any Company benefits.

Employee contributions for the benefit programs may differ. Please see your benefits enrollment worksheet for more details.

A summary of the wide range of benefits the Company provides is set forth below. Many of these benefits are described in insurance contracts or other plan documents. **The applicable contracts or plan documents govern your rights and obligations.** This Handbook merely summarizes certain provisions.

New employees must work for the Company 90 calendar days before they are eligible for certain benefits, including, but not limited to, medical and dental benefits. The first month following 90 days of employment the new employee may enroll.

Following new hire benefit elections, including but not limited to, medical and dental benefits, changes to such benefit elections/coverage can only be made during the annual open enrollment period or if the employee has a qualifying event, e.g. marriage, divorce, birth of a child, etc.

The benefits listed and explained herein are the benefits that were in effect at the date of publication of this issue of the Employee Handbook. The Company reserves the right to cancel or change the terms and conditions of these benefits as deemed necessary and desirable.

Medical and Dental

All eligible salaried employees and their eligible dependents may be covered under the Company's group benefits program. A detailed explanation of each plan and eligibility is contained in the booklets and materials which new employees receive upon hire and current employees receive annually.

Prescription Drugs

If you enroll for medical coverage, you and your covered dependents automatically receive certain prescription drug benefits. A detailed explanation of prescription coverage is summarized in the benefits booklet and materials distributed to all new employees upon hire and current employees annually.

Retirement Plan

The Company supports employee retirement preparation and investment by providing a 401(k) and profit sharing plan for qualifying salaried employees. The details regarding eligibility, participation, contributions, vesting, administration, and investments are provided in your benefits booklet available from Human Resources. Your eligibility to participate, as well as, the terms and conditions of these Plans are totally governed by Plan provisions and subject to change or discontinuation by the Company.

Flexible Reimbursement Accounts

Flexible Reimbursement Accounts allow you to set aside part of your pay each pay period on a pre-tax basis for one, or both, of these accounts:

- **Medical Reimbursement Account** to pay for the out-of-pocket medical, dental, and vision care expenses not covered by your health benefits plan along with specific over-the-counter medications
- **Dependent Care Reimbursement Account** to pay expenses for the care of your child, disabled spouse, elderly parent, or other dependents who are physically and mentally incapable of self-care so that you (and your spouse) can work or actively seek work

Since these accounts have tax advantages, there are tax laws and Internal Revenue Service regulations governing how these accounts operate. For more detailed information or clarification, contact Human Resources.

Continuation of Benefits (COBRA)

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is a federal law that requires most employers sponsoring group health plans to offer temporary extension of health coverage under certain circumstances in which the coverage would otherwise end. This is called continuation coverage.

Through COBRA, employees and their eligible dependents may have the right to continuation coverage under the Company's group health insurance program at their own cost for a maximum period of 18 to 36 months (length of time dependent on the qualifying event) after the qualifying event. Qualifying events are:

- The death of the covered employee
- The termination of the employee
- A reduction in the employee's hours, so that the employee or dependent is ineligible for coverage

- The divorce or legal separation of the covered employee and his or her spouse
- For spouses and eligible dependents, the employee's entitlement under Medicare
- A dependent child who marries or reaches the limiting age under the plan, thereby ceasing to be a "dependent" under the terms of the plan

Employees or an eligible dependent must report a qualifying event to Human Resources within 60 days after the date the event occurs.

COBRA continuation is limited to those employees and/or dependents under specific events such as when eligible to receive Medicare benefits.

For more information or questions about COBRA, contact the Human Resources Department.

Employee Assistance Program

The Company recognizes that a wide range of problems - such as marital or family distress, alcoholism, and drug abuse - not directly associated with an individual's job function, can nonetheless, be detrimental to an employee's performance on the job. Consequently, we believe it is in the interest of employees and the Company to provide an effective program to assist employees and their families in resolving problems such as these as the need arises. To this end, the Company provides an Employee Assistance Program (EAP) for employees and their eligible family members. The EAP is designed to provide voluntary, private confidential, professional counseling outside the workplace for any type of personal problem. The EAP provides consultation services for referrals to local community treatment sources. All employees are free to use this program and are encouraged to do so. Employee visits to the EAP are held in confidence to the maximum possible extent.

Participation in the EAP does not excuse employees from otherwise complying with Company policies or from meeting normal job requirements during or after receiving assistance. Nor will participation in our employee assistance program prevent the Company from taking disciplinary action against any employee for performance problems that occur before or after the employee's seeking assistance through the program.

The EAP can be reached at 1-800-756-5792 or by website: www.lifessolutionseap.com

Workers' Compensation Insurance

To provide for payment of your medical expenses and for partial salary continuation in the event of a work-related accident or illness, you are covered

by workers' compensation insurance. The amount of benefits payable and the duration of payment depend on the nature of your injury or illness. In general, however, all medical expenses incurred in connection with an injury or illness are paid in full, and partial salary payments are provided for Oklahoma employees beginning with the sixth consecutive day of absence from work. If you are injured or become ill on the job, you must immediately report such injury or illness to your supervisor and Human Resources within 24 hours of accident or illness. This ensures that the Company can assist you in obtaining appropriate medical treatment. Your failure to follow this procedure may result in the appropriate workers' compensation report not being filed in accordance with the law, which may consequently jeopardize your right to benefits in connection with the injury or illness. Failure to report an injury or illness properly may result in corrective action, up to and including termination.

Questions regarding workers' compensation insurance should be directed to Human Resources.

Reporting Work-Related Injuries and Illness

Any employee who is injured on the job or who becomes ill due to direct or indirect contact with materials on the job is to report the injury or illness to his or her supervisor immediately. Any time an injury occurs an employee is required to get a drug test. Refusal or failure to get a post accident drug test is grounds for termination according to the rules of our drug testing policy.

If the injury or illness requires emergency medical treatment, this treatment is to be provided immediately by whatever means are necessary. If it is not an emergency, the employee is required to notify their manager, before seeing a physician or visiting a medical facility.

The doctor or medical facility must be told that the visit may be a pending workers' compensation claim.

The injured or ill employee must report to his or her supervisor immediately after the accident occurs to initiate a workers' compensation claim. The supervisor or Human Resources will advise the employee of further steps he or she should follow and refer you to a medical provider. In the case of emergency, please seek medical attention and then have someone notify the supervisor.

Report Unsafe Conditions or Illnesses

- Unsafe conditions on Company or customer premises must be made safe or reported to your supervisor before proceeding to work.
- Immediately report any sickness or injury to your supervisor, no matter how minor it appears to be.

- Never move an injured or seriously ill person except under a doctor's orders or to prevent further injury.

Accident or Incident Procedure

Security incidents should be reported immediately to your supervisor and Human Resources. Human Resources will initiate the appropriate action; collect the details of the incident, document, and inform the local Police Department immediately, if action is urgent.

Employees are required to report immediately any accident or incident that causes injury, to his/her supervisor. If an employee fails to report an accident or incident, the Company will seriously doubt the validity of the claim because the employee has denied the Company the right to conduct a legitimate accident investigation.

Employees may not start any work shift without first reporting any condition (physical or otherwise) that could impair his/her ability to perform their job function.

All safety hazards should be noted and corrected. Failure to do so is a serious employment violation and may result in corrective action, up to and including termination.

4. Wages, Time Reporting and Pay Practices

Employment Classifications

For purposes of salary administration and eligibility for overtime payments and employee benefits, the Company classifies its employees as follows:

- **Full-time regular employees.** Employees hired to work the Company's normal, full-time, thirty (30) to forty (40) hour workweek on a regular basis. Such employees may be "exempt" or "nonexempt" as defined below.
- **Part-time employees.** Employees hired to work at least twenty (20) hours per week but fewer than thirty (30) hours per week on a regular basis ("Part-Time Regular Employees"). Such employees may be "exempt" or "nonexempt" as defined below.
- **Temporary employees.** Employees engaged to work full time or part time on the Company payroll, usually to fill in for vacations, leaves of absence, or projects of a limited duration, with the understanding that their employment will be terminated no later than on six (6) months after their start date. With written approval from both the manager and Human Resources, temporary employment may be extended for an additional three (3) month period. Temporary employees may be "exempt" or "nonexempt" as defined below. Temporary employees are not eligible for any Company benefits or paid allowances (e.g., holidays, personal holidays, vacation, or sick leave).
- **Nonexempt employees.** Employees who are required to be paid overtime at the rate of time and one half (i.e., one and one-half times) their regular rate of pay for all hours worked beyond forty hours in a workweek, in accordance with applicable federal wage and hour laws.
- **Exempt employees.** Employees who are not required to be paid overtime, in accordance with applicable federal, state or local law. Executives, professional employees, outside sales representatives, and employees in certain administrative or computer-related positions are typically exempt. Domino Food and Fuel managers who supervise a store and its employees are considered exempt.

You will be informed of your initial employment classification and of your status as an exempt or nonexempt employee during your orientation session. If you change positions during your employment, as a result of a promotion, transfer or your employment responsibilities change, you will be informed by Human Resources of any change in your exemption status. Please direct any questions

regarding your employment classification or exemption status to Human Resources.

Job Descriptions

The Company uses general job descriptions with primary responsibilities to aid in staffing, wage and salary administration, and training. However, the Company requires that employees be flexible to take on non-reoccurring responsibilities from time to time. All job descriptions are subject to review and change.

Promotion and Transfer

It is the Company's policy to promote from within when qualified employees are available. The Company seeks to promote employees from within its organization when vacancies occur which offer advancement opportunities.

Promotion decisions regarding eligible employees are based on the employee's qualifications and past performance, as well as, supervisory evaluations of employee's potential ability. Employees must have been in their current position for a minimum of one (1) year, with no verbal or written Performance Improvement notices, to be considered for a transfer or promotion.

All promotions and transfers are made without regard to race, creed, color, sex, age, political affiliation, marital status, national origin, disability or medical condition as required by law.

Please realize, however, that the Company cannot guarantee promotions; there will be occasions when the best-qualified candidate comes from outside the organization.

Pay Periods

Employees are paid on a weekly or bi-weekly basis. All required deductions, such as for federal, state, and local taxes, and all authorized voluntary deductions, such as for health insurance contributions, will be withheld automatically from your paychecks.

Please review your paycheck for errors. If you find a mistake, report it to your supervisor immediately. Your supervisor will assist you in taking the steps necessary to correct the error.

Time Reporting

It is the Company's policy to comply with applicable laws that require records to be maintained of the hours worked by our employees. To ensure that accurate records are kept of the hours you actually work (including overtime hours where applicable) and of the accrued leave time you have taken, and to ensure that

you are paid in a timely manner, hourly and nonexempt salaried employees are required to record time worked and absences with the Company's official time record system. This system should be completed daily. Please ensure that your actual hours worked and leave time taken are recorded accurately.

Some personnel may be required to turn in alternative work sheets. Your supervisor will inform you if this is required.

Exempt salaried personnel are not required to submit timesheet forms, but are required to notify their supervisor and Human Resources in writing of any vacation and sick time used.

Speak to your supervisor if you have any questions about your time reporting.

Falsification of a time record is a breach of Company policy and is grounds for disciplinary action, including the possibility of discharge.

Meal and Break Policy

It is the policy of Elmer Smith Oil Company to comply with state and federal laws regarding meals and breaks.

All non-exempt employees are allowed an unpaid 15 minute rest break for each four-hour work period.

Non-exempt employees who work a five hour day or more are permitted a non-paid meal break of at least 30 minutes. Salaried employees are permitted a 60 minute meal break. Meal breaks are not counted toward worked hours. Employees are not permitted to perform any work functions when on a non-paid meal break. If an employee is required to work through his/her meal break due to staffing needs, the employee will be paid.

Failure to return on time from breaks or lunch may subject the employee to disciplinary action.

Overtime Pay

In order to provide the best possible service to our customers and maintain an efficient operation, it may be necessary for you to work overtime. Eligible employees will receive overtime pay in accordance with federal law, applicable state laws and collective bargaining agreements where and when applicable.

If you are classified as a nonexempt employee (see the employment classification section for the definition of nonexempt employee), you will be paid one and one-half times (1 ½) your regular hourly rate of pay for all hours worked beyond forty (40) in any given workweek.

You must have prior approval from your supervisor to work any overtime. Your supervisor will attempt to provide you with reasonable notice when the need for

overtime work arises. Please remember, however, that advance notice may not always be possible.

Paycheck Deductions

The Company intends that deductions be made from your pay only in circumstances permitted by applicable law. If you believe that any improper deduction has been made from your pay you should immediately raise the matter with your supervisor or Human Resources. If an investigation reveals that you were subjected to an improper deduction from pay, you will be reimbursed.

Attendance and Punctuality

Regular attendance and punctuality are essential to the highest quality performance and in preventing undue work for fellow employees. All duties and work schedules have been planned so that efficient, dependable service is uninterrupted.

Absences

It is recognized that illnesses and medical emergencies occasionally may prevent you from reporting to work as scheduled. All employees are required to notify their supervisor at least two (2) hours in advance of their start time if they are going to be absent from or late for work for any reason. Employees must speak with their supervisor directly. **Notifying anyone other than your supervisor will not be considered proper notification, and your unauthorized absence or tardiness may result in disciplinary action, up to and including termination.** You should be prepared to explain both the reason for the absence and the time or date when you anticipate being able to return to work. Employees are responsible for covering his/her shift.

An employee, who is going to be absent for more than one day, should contact their supervisor each day. Management reserves the right to ask for a physician's statement. A doctor statement should be provided to your manager, if requested.

If an employee fails to notify his/her supervisor after one (1) day of absence, the Company will presume that the employee has voluntarily resigned and the employee will be removed from payroll. The Company will review any extenuating circumstances presented by the employee that may have prevented him/her from calling in before being removed from the payroll.

If an illness or emergency occurs during working hours, employees should notify their supervisor before leaving work.

Tardiness

As a general rule, tardiness is not acceptable. Employees are expected to work a full shift. It is expected that each employee will arrive to work at his or her normal starting time. When an employee knows they will arrive later than their usual starting time, the supervisor should be notified at least ½ hour in advance. Those employees covered by the overtime provisions dictated by federal or state law who are not scheduled for make up time or who do not work their scheduled make up time will not receive pay for such absences or tardiness.

Excessive unexcused absenteeism and/or tardiness will be considered unsatisfactory performance, which may lead to discipline up to and including termination.

Disciplinary Procedures

The Company reserves the right to discharge, suspend or otherwise discipline employees as deemed necessary and appropriate including for violation of Company policies or rules. Although the Company may choose to provide an employee with any opportunity to correct the problem or misconduct at issue by using forms of discipline that are less severe than termination (e.g., verbal or written counseling, suspension, demotion, transfer or any combination of these or other corrective measures), no formal order or system is necessary. The Company reserves the right to administer such discipline as it, in its sole discretion, believes is appropriate under the circumstances. In all instances, Human Resources will review any disciplinary matter resulting in loss of time or loss of job.

5. Workplace Information Policies

Personal Data

The Company establishes a personnel and medical file for each employee that includes information relevant to his/her employment with the Company. It is your responsibility to advise the Company of any change of address, emergency contact data, marital status, dependents, or other pertinent information that could affect your employment or benefit status. Changes should be made by the employee via the Portal. If you have any questions or problems, please contact the ADP Employee Service Center.

Smoke-Free Workplace

The Company provides a smoke-free environment for its employees, customers, and visitors. We have adopted this policy because we have a sincere interest in the health of our employees and in maintaining pleasant working conditions. An outside smoking area may be provided. Please see your Supervisor/ Manager or Human Resources for the specific smoking location.

Uniforms

Uniforms are required for Domino Food and Fuel store employees and managers. Below is the uniform policy. Failure to comply with this policy may be cause for disciplinary action, up to and including termination.

1. ALWAYS WEAR A SMILE! 😊
2. All Employees are required to wear approved uniforms.
3. Employees working in the store must wear khaki or black pants or shorts and approved shirts, sweatshirts and or vests with the Domino logo.
4. Employees must purchase their uniform shirts, sweatshirts and vests. Only "Domino" issued shirts, sweatshirts, and vests are approved.
5. Employees must wear closed toed shoes that are clean.
6. Employees must have shirt tucked in at all times and wear collared polo shirts under sweatshirts.
7. Employees must wear a name tag that is clean and in good repair on the upper right of the shirt, sweater or sweatshirt. No handwritten names or handwriting on nametags.
8. No stretch pants, Capri pants, cargo pants, khaki colored denim pants, low ride pants, stretch shorts, jeans, or shorts more than 3 inches above the knee are approved. Classic styles are approved.

9. No hats or caps. (With the exception of foodservice employees.)
10. Exceptions will be made to promote community or school events. This will be done on an individual store basis.
11. Pants, shorts, shirts, or sweaters, cannot be worn if they become torn, stained, or faded.
12. Employee's pants and shirts must always be clean and wrinkle free.
13. Employees can wear a smock or apron while preparing food or cleaning the food service area, restrooms, store or parking lot.

Honesty and Integrity

Throughout each associate's career, you will carry with you your own good name guarded by your own personal integrity. It is up to everyone to do everything within their power to conduct themselves every day with the utmost integrity. Our business survival depends upon it. For the majority of our associates, supervisors and managers, there is no issue with this mandate. Nevertheless, it is imperative that all associates clearly understand:

Any act of theft or dishonesty, either attempted or actually committed, through any means will subject the involved associates to discipline up to and including termination and possibly arrest and criminal prosecution.

From time to time, our stores will authorize Demo Stations within the store where free samples of products are offered to customers. You are welcome to sample these products when offered to you. However, the unauthorized sampling of other products or goods, either damaged or otherwise, is considered theft and, as such, is strictly prohibited. This is commonly known as "grazing" and even though the amounts consumed may seem insignificant, it is a very real source of loss to the Company.

Additionally, accepting gratuities (i.e. samples and/or merchandise) from vendors is prohibited unless specifically authorized by the District Manager.

Again, do everything within your power to guard your good name and reputation. It truly is worth preserving. If you ever have a question about what is expected of you along these lines, please ask your Store Manager or Assistant Store Manager.

Conflict Resolution and Complaint Procedure

To provide an effective and consistently applied method for employees to present their concerns and for the Company to address those concerns expeditiously.

Problems, misunderstandings and frustrations may arise in any organization. It is the Company's intent to be responsive to our employees and their concerns. Therefore, the Company has established a complaint procedure to deal with issues that are not covered by the Company Sexual Harassment Policy which covers workplace harassment issues.

To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that you believe is detrimental to you or the Company, you should follow the procedure described here for bringing your complaint to management's attention.

Step One

Discussing the problem with your immediate supervisor is encouraged as a first step. Employees are encouraged to bring concerns directly to their immediate supervisor for discussion and resolution. The supervisor generally should meet with the employee within seven workdays of receiving the complaint. If, however, you do not believe a discussion with your supervisor is appropriate or you do not receive a timely response from your supervisor, you may proceed directly to Step Two.

Step Two

If your problem is not resolved after discussion with your supervisor or if you feel discussion with your supervisor is inappropriate, you are encouraged to request a meeting with the Human Resources Department. In an effort to resolve the problem, Human Resources will consider the facts, conduct an investigation (if appropriate), and may also review the matter with your department head. You will normally receive a response regarding your problem within five working days of meeting with Human Resources.

Step Three

If you are not satisfied with your human resources representative's decision and wish to pursue the problem or complaint further, you may prepare a written summary of your concerns and request that the matter be reviewed by Bill Hough, in Company management. After a full examination of the facts (which may include a review of the written summary of your statement, discussions with all individuals concerned, and a further investigation if necessary), Bill Hough or his/her designated representative will normally advise you of his or her decision within fifteen working days. This decision shall be final.

It is the responsibility of employees who experience any job-related issues to utilize the complaint procedure established for the purposes of preventing and correcting unacceptable workplace behavior. If the

Company does not know about the issue, it cannot do anything about it. It is expected that the time frames outlined in this procedure be adhered to. However, any unforeseen delay should be promptly communicated to the employee.

The Company does not tolerate any form of retaliation against employees availing themselves of this procedure. If you have filed a complaint, or have participated in an investigation, and believe that you are being retaliated against, you **must** immediately report this matter to your supervisor or your human resources representative.

The Company reserves the right to impose appropriate disciplinary action for any conduct it considers to be disruptive or inappropriate. The circumstances of each situation may differ and the level of disciplinary action may also vary, depending upon factors such as the nature of the offense, whether it is repeated, the employee's work record and the impact of the conduct on the organization. The procedure should not be construed, however, as preventing, limiting, or delaying the Company from taking disciplinary action against any individual, up to and including termination, in circumstances (such as those involving problems of overall performance, conduct, attitude, or demeanor) where the Company deems disciplinary action appropriate. If the Company determines that an employee knowingly provided false information in connection with a complaint or an investigation, disciplinary action may be taken against the individual who filed the complaint or who gave the false information up to and including termination.

Complaints involving alleged discriminatory practices shall be processed in accordance with the Company Sexual Harassment Policy which covers all forms of discriminatory harassment based on race, color, religion, sex, sexual orientation, alienage, citizenship status, marital status as a Vietnam era veteran, national origin, age, handicap, disability or any other characterization protected by federal, state, or local law. Below is a brief summary of the Company's Sexual Harassment Policy. Please refer to the Sexual Harassment Policy for the Company's complete workplace harassment policy above.

Complaints Concerning Workplace Harassment

It is the responsibility of the Company and each employee to create an atmosphere free of harassment and discrimination. In addition, it is the responsibility of each employee to respect the rights of his or her co-workers. If you experience or observe any hostile conduct or harassing behavior, or believe that you have been treated in an unlawful discriminatory manner, because of race, color, religion, sex, sexual orientation, alienage, citizenship status, marital status as a Vietnam era veteran, national origin, age, handicap, disability or any other characterization protected by federal, state, or local law, you **must**

immediately report the matter (orally or in writing) to your supervisor or the Human Resources Department.

Upon receipt of a complaint, the Company will undertake a prompt and thorough investigation of the allegations. To the extent that it does not compromise the integrity of the investigation, confidentiality will be maintained concerning the allegations. Employees who fail to cooperate with an investigation conducted pursuant to this Policy may be disciplined up to and including dismissal.

If an investigation establishes that an individual has engaged in harassing, discriminatory, or other wrongful or inappropriate conduct, disciplinary action, up to and including discharge, will be taken against the offending employee.

Employee Suggestions

Employees are encouraged to make suggestions for improvement of methods, systems, or relations with customers. If you have a suggestion which you believe will benefit the Company, advise your supervisor or department manager. All suggestions are welcome. The success of the Company is based on the total effort of all of our employees.

6. Company Property

Use of Company Property

Employees are responsible for items issued to them by the Company or in their possession or control, such as but not limited to the following:

- Credit cards
- Tools and equipment, including company-provided clothing
- Identification badges
- Keys
- Written materials such as manuals, forms and marketing products
- Database information
- Customer lists
- Files and documents
- Computers, software, manuals and informational resources
- Company vehicle
- Cell phones and pagers

Although the Company strives to ensure that each employee has access to the resources needed to perform his/her job, the Company also expects all employees to understand that use of those resources is limited to the performance of their jobs. Any unauthorized use, retention or disclosure of any Company resources or property will be regarded as theft warranting disciplinary action up to and including termination and may prompt various civil and/or criminal legal actions.

Personal advances or purchases with the intent of subsequently repaying the Company are strictly prohibited.

Driving and Vehicle Policy

Elmer Smith Oil Company has made a commitment of safety, service, and quality to both our employees and customers. We mandate that employees operate all vehicles in a safe and economical manner. This includes, but is not limited to the following

1. Vehicles are not to be operated unless in a safe operating condition
2. Drivers must be physically and mentally able to drive safely
3. Drivers must conform to all traffic laws with allowances made for adverse weather and traffic conditions.

4. Drivers may not use drugs or alcohol, or be under the influence drugs or alcohol, while operating a vehicle owned by or used by Elmer Smith Oil Company.
5. Drivers must be courteous on the road at all times.
6. It is the employee driver's responsibility to see that his or her Company vehicle is properly maintained. This includes regular washing, cleaning, maintenance, and repair of minor damage.

Accidents

All accidents are to be reported to management within two hours of the accident's occurrence. Follow an accident an employee must comply with the drug and alcohol policy regarding post accident drug testing.

MVR

Motor Vehicle Records will be checked periodically on all employee, where driving is a part of their job. The MVR will be review to ascertain if employee holds a valid license and their driving record is within the parameters set by company management. Serious traffic convictions or numerous violations will disqualify the employee from driving a company operated vehicle, or those vehicles in the care and custody of Elmer Smith Oil Company. If driving is majority or vital part of an employee's job description, loss of driving status can be ground for employee termination.

Driving conditions and use must include the following. The use of radar detectors is forbidden in all company owned or operated vehicles. All passengers must wear seatbelts whenever the vehicle is in motion. All cargo must be secured and all doors lock while en route. Driving distractions should be avoided i.e. talking on cell phones, texting, reading maps etc. Personal use of company vehicles should be minimal. Persons not employees by Elmer Smith Oil Company may not drive company vehicles.

Personal Vehicle Use

If use of the employee's personal vehicle on Company business be necessary, the employee will be reimbursed in accordance with the current travel reimbursement rate, with prior approval by management. This does not include travel to and from work.

Employees using their personal vehicles for Company business must have proof of sufficient insurance and a current driver's license on file with their Human Resources representative. The Company will not be responsible for any losses,

accidents, fines, or other liabilities that occur while an employee is driving his or her own personal vehicle while on Company business.

To protect employees and the Company from third party claims, all employees involved in an accident while driving on Company business will be required to submit to a post accident drug test.

Information Systems and Security

Use of Information Systems

It is the intent of the Company to provide the information systems necessary for the conduct of its business. Employees are expected to adhere to proper use of all information systems. These include but are not limited to the Telephone, Electronic Mail (E-Mail), Fax, Internet, Intranet, Voice Mail, and computer software. Employees are permitted use of Company property and must comply with Company policies and procedures regarding its use.

The information systems are owned and operated by the Company and are to be used for the business of the Company. Employees should have no expectation of privacy of any correspondence, messages or information processed or contained by the information systems. As the owner of all information systems and their contents, the Company may retain, archive, and monitor any such information and/or communications.

The Company reserves the right to access and disclose all such messages sent for any purpose. All such messages, regardless of content or the intent of the sender, are a form of corporate correspondence, and are subject to the same internal and external regulation, security and scrutiny as any other corporate correspondence. E-mail communications must be written following customary business communications practices as is used in Company correspondence. E-mail communications are official internal Company communications, which may be subject to summons in legal proceedings.

The Company's communication systems shall not be used as a forum to promote religious or political causes, or an illegal activity. Offensive or improper messages or opinions, transmission of sexually explicit images, messages, cartoons, or other such items, or messages that may be construed as harassment or disparagement of others based on race, color, age, national origin, religion, sex, veteran, disability, or any other status protected under applicable federal, state or local law are also prohibited on the Company's information systems.

Employees shall not attempt to gain access to another employee's personal information systems and messages. The Company, however, reserves the right to access an employee's messages at any time, without notice to the employee.

Employees MUST NEVER share their personal passwords to any information systems.

Any violation of these guidelines may result in disciplinary action, up to and including termination.

Telephones – Personal Calls

Telephones play an important role in the Company's business and must, therefore, be restricted to business use. Personal calls, whether received or made on the office telephone or on the employee's personal cell phone, should be made and received only when absolutely necessary, and then the conversation should be kept as brief as possible. Should a long distance call become an absolute necessity, it should be billed to your home number or prior arrangements made with Human Resources for reimbursing the Company. Telephone records are subject to periodic review by management. The Company reserves the right to monitor any call at any time.

Telephones – Voice Mail

Voice mail is provided as a convenience to our employees and our callers. When used properly, it assists in the efficient operation of our offices. It is critical that this technology be used in an appropriate manner so that effective service to our customers, as well as communication within our own organization, is not adversely affected. Therefore, employees must physically answer phone calls whenever possible. When they cannot, then the messages on answering machines (voice mail and other similar technologies) should be updated daily and provide intelligent assistance to the caller, including an option that enables callers to promptly reach an individual on-duty with the organization being contacted during business hours. Voice mail is never to be used to "screen" telephone calls. If you are in the office, you are expected to answer the telephone promptly.

Telephone and voice mail messages should be responded to promptly. Voice mail is an integral communication tool. The Company reserves the right to access any employee's voice mail box without notice, if it deemed to be in the best interest of the business.

Telephones – Cell Phones

The use of personal communication devices during working hours may present a hazard or distraction to the user and/or customers in our stores. Consequently, personal communication devices may only be used during non-working time or for an emergency during working hours. This includes, but is not limited to, cell

phone calls, texting, checking emails, etc. Violation of this policy may lead to violation of Domino Food and Fuel's disciplinary policy.

Use of Cell Phones While Driving

Employees must adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulation or other ordinance. If you are not sure whether the use of a cell phone while driving is prohibited in a particular area, please check with Human Resources for guidance.

If employees must use cell phones while in their cars, they should use a hands-free phone, keep their eyes on the road at all times, and avoid complex or stressful conversations. While hands-free phones are not required in many states with cell phone laws, they are considered safer than hand-held cell phones.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Texting while driving is dangerous and not allowed in company vehicles.

Discipline

Violation of this policy will subject an employee to disciplinary action up to and including immediate termination.

E-Mail, Intranet and Internet Usage

Our Company's computer systems allow us to be more productive. E-mail, Internet and Intranet are tools that create great value, but can cause problems if used the wrong way. It is extremely important that we all use good business judgment when using the computer systems. Every staff member has a responsibility to maintain and enhance the Company's public image, and to use the Internet in a productive manner.

The Company provides e-mail, Internet Access, voice mail, cell phones and other technology advancements. Such equipment/service is to be used for Company business only. The Company reserves the right to review how employees are making use of these business tools. Misuse will result in appropriate disciplinary action up to and including termination.

Computer and E-mail Usage

Computers, computer files, the e-mail system, and software furnished to employees are Company property intended for business use. Employees should

not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and e-mail usage may be monitored.

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

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

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

The Company purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the Company does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. The Company prohibits the illegal duplication of software and its related documentation.

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

Internet Usage

Internet access to global electronic information resources on the World Wide Web is provided by the Company to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the Company and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business

information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of the Company. As such, the Company reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any 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.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by the Company in violation of law or the Company policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the organization's time and resources for personal gain
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, pirating, or downloading software and electronic files without permission

- Sending or posting confidential material, trade secrets, or proprietary information outside of the organization
- Violating copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the organization's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Using the Internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications systems
- Sending or posting messages that disparage another organization's products or services
- Passing off personal views as representing those of the organization
- Sending anonymous e-mail messages
- Engaging in any other illegal activities

Use of Social Networking Communications

Blogging, "tweeting", e-mail, texting, and other social media such as MySpace and Facebook are also subject to restrictions. You may not use company property to create, maintain, amend, view, access, download, contribute to, or store a blog, "tweet" or post entries on the Internet (whether through a social network such as MySpace or Facebook, or using another method). You may not blog, "tweet" or post entries on the Internet (whether through a social network such as MySpace or Facebook, or using another method) while you are on duty. The Company has access to all company-provided electronic equipment and property, and may from time to time, and without notice inspect the condition of that equipment and the communications, content, data and imagery stored on it. If you access, view, create, or save any communications, content, data or imagery in company-provided digital equipment, you have no privacy rights as to

it and any such communications, content, data, and imagery are subject to monitoring by the Company. You must cooperate in such monitoring.

You may not post any material or information that (a) violates the privacy rights of another Company employee, (b) intentionally or inadvertently discloses any Company trade secret or confidential business information of the Company or any affiliated business entity, the Company's customers, suppliers or vendors, (c) comments on the future business performance, business plans or prospects of the Company or any affiliated business entity, (d) criticizes or disparages the competitors, customers, suppliers, or employees of the Company or any affiliated business entity, (e) includes copyrighted materials or other intellectual property of someone other than you, (f) constitutes the unauthorized use of trademarks, logos and other branding symbols, (g) uses or displays the logo, graphics, or trademarks of the Company or any affiliated business entity, (h) displays false or misleading information about the Company, any affiliated business entity, employee, supplier, or customer, (i) displays any information that violates any other Company policy, (j) displays any content that purports to represent the position, viewpoint, statements, opinions or conclusions of the Company or any affiliated business entity, employee, supplier or customer, or that (k) violates any law, such as laws that prohibit defamation, harassment, discrimination, and retaliation. You may not use the Company's name to endorse or promote any product, commercial enterprise, opinion, cause or political candidate. If your post or entry identifies or mentions the Company, you must also identify yourself by your real name and state in a prominent way that any entries or posts express your personal view and are not written by or on behalf of the Company and do not represent the views of the Company. Links to other websites or locations are also subject to this policy.

Workplace Monitoring

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

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

Computers furnished to employees are the property of the Company. As such, computer usage and files may be monitored or accessed. Employees should have no expectation of privacy of any correspondence, messages or information processed or contained by the information systems. Because the Company is sensitive to the legitimate privacy rights of employees, every effort will be made

to guarantee that workplace monitoring is done in an ethical and respectful manner.

Software Policy

Software Licensing

Any software in use at the Company must be a legally licensed copy. Employees must not duplicate copyrighted software for any reason without a written authorization from the software company. Anyone who knowingly or unknowingly duplicates copyrighted software material is subjecting the Company, and themselves, to substantial penalties under the law.

Software Usage

The following paragraph pertains to computers that have been purchased or leased by the Company (for example, file servers and gateways). The important issue here is security. Everyone in the office must be concerned with the effect of introducing a virus into the office business system environment. Please take this real threat to your business seriously.

The only software that is authorized for use on Company computers is that which has been purchased or developed by the Company or the public domain software which has been certified virus free by the LAN administrator responsible for security at this location. The introduction or use of any other software on any Company computer is a violation of this policy.

Violations

Violations of any guidelines listed in this Information Systems and Security policy may result in disciplinary action, up to and including immediate termination. If necessary, the Company will advise appropriate legal officials of any illegal violations.

7. Safety and Security

General Security

If you suspect someone of shoplifting:

- Notify your Store Manager, Assistant Store Manager or the person in charge.
- Keep the subject in sight at all times.
- If feasible, approach the subject and extend a friendly greeting to them, ask them if you can be of assistance.
- Do not take any further action, security or management will handle the situation if any further action is needed.
- You should not attempt to pursue a suspected shoplifter outside of the store.

“Short Change” Artists

“Short Change” artists are individuals who attempt to obtain money dishonestly by causing checkers to become confused when making change. Some of the methods most frequently used by “short change” artists are as follows:

Manner of payment confusion: The customer may present currency (such as a \$5, \$10 or \$20 bill) in payment for a small purchase. Then after receiving part or all of their change, he or she will ask for the original bill to be returned to them and the payment to be taken out of a smaller bill. The object is to retain part of the money you have just handed them as change for the original larger bill and also to get the original bill back. The checker should complete each transaction separately before complying with additional requests.

Short change claims: A “short change” artist presents currency of a small denomination in payment for a purchase and, when change is received or later, claims he gave the checker a bill of a larger denomination. The most effective prevention of this practice is to leave the bill on the register ledge, verify with the customer the amount tendered by stating out loud the amount you have been given and the amount of change due, and then place the bill on the cash drawer.

Marked money: An accomplice presents currency (such as a \$10 bill) in payment for a small purchase on which a name or number is written. Later, the “short change” artist enters the check stand and makes payment for another purchase with a smaller bill (such as a \$5 bill). A short time later that same customer returns to claim he or she was short changed and that the checker was given a

\$10 bill. To verify their claim, the "short change" artist states they gave the checker a \$10 with a name or number written on it and, if the checker will inspect the \$10 bill, it will be found that an error was made.

Remember: If you ever become confused during a transaction simply close the cash drawer and call for assistance from a member of management.

Robberies

Nothing in our store is so valuable that it is worth risking injury to you or another person by resisting the demands of a criminal holding up the store. Your safety and the safety of other associates and customers is the highest priority. If a holdup should occur, you should obey without question all orders by the holdup person and surrender any item the holdup person asks for.

Follow instructions. Take your time, unless pressed. Time plays in your favor...but DO NOT RESIST!

Because an accurate description is of great importance to the police, try to observe as much of the robber(s) as possible. First, take a couple of deep breaths. This will help to calm you and to be more observant. Compare height with a point of reference of another person. Attempt to determine: color of hair, eyes and approximate age. Note any scars, moles or other outstanding features. Note the voice, any accent or speech patterns. Note particularly the robber's attire.

Also try to observe the physical actions of the robber. Make a mental note of any place the robber touched or stopped and make every effort to prevent other people from disturbing these places or any other evidence. If a note is left, try not to touch it if at all possible.

Try to get an accurate description of the get-away car. Note make, model, color and if possible the tag number and/or direction the robber(s) left. However, you are cautioned to not follow them outside. Observe what you can through the front windows.

After the alarm or call has been made to the police, stop and write down everything that happened in as much detail as possible. (Do NOT discuss the descriptions with others).

When speaking to the police, do not attempt to guess how much cash may have been given to the robber. The manager-in-charge will be able to provide the officers with an accurate determination of that amount and will also have the ability to discuss the exact losses with Loss Prevention.

Remember: Do nothing that might endanger your life or the life of anyone else.

Loss Prevention and Security

We sincerely hope that every employee who works for our company will also be our customer. In order to avoid any possible misunderstandings about employee purchases, the following procedures must be followed. Failure to follow these rules could result in disciplinary action, up to and including termination.

All purchases must be made from another employee. The purchasing employee must retain a sales receipt for every transaction. Under no circumstances may merchandise be removed from the store or consumed prior to purchase. Any good or products carried out of the building must leave through the front doors and must be accompanied by a sales receipt.

Employees will not check out their own purchases or the purchases of relative or friends. No special discount or credits of any kind will be extended to employees or their relatives or friends. Damaged, distressed or food marked for spoilage must be disposed of in the grey tub and put for waste with the district managers approval. Outdated or spoiled items may not be take home by an employee for any reason.

Personal Security

The Company is committed to providing a secure environment for all employees and visitors. That requires not only everyone's support and cooperation, but also the commitment to take personal responsibility for security.

Everyone needs to be aware of possible security problems. When going to and from work, as in your personal life, be particularly careful:

- In parking areas, be alert when approaching or leaving your vehicle. If it's dark when leaving work, ask a co-worker to walk with you to your vehicle.
- Report any suspicious vehicles or individuals, as well as any vandalism or theft, to your supervisor.
- When traveling, take responsibility for security and use common sense. Stay only in secure hotels and motels, and double-lock your door in the evening.
- Use hotel safes when available to secure valuables.
- Walk only in well-populated areas.
- When using an automatic teller or telephone calling card, particularly at airports, shield yourself from view to keep others from stealing your personal identification number.

- If your travel itinerary changes, make certain you immediately notify your office and family.

Remember, the best way to stay safe and secure is to be aware of possible security problems and take the necessary steps to avoid them. The best resource for maintaining security is you.

Information Security

As an employee, you have been entrusted with one of our most valuable assets - information -- and you have the responsibility to protect it and to see that it is used only for its intended business purpose. We use information on a daily basis that could be useful to competitors and others who would misuse it.

Information appears in many forms, such as:

- Computer records
- Word processing documents
- Letters and memos
- Paper reports
- Discs and diskettes
- Microfilm and microfiche
- Conversation

The classified information you use every day must be protected from disclosure to competitors and those who would misuse it. Whether you work with paper records, at a computer terminal, or spend most of your day on the phone, you are part of the Company's information security systems.

Remember these rules when you handle confidential information:

- Do not disclose to anyone outside the Company any information relating to the Company that has not been disclosed to the public, without appropriate management approval or as required by law, at any time during or **after** your employment. Don't even share this information with other employees, unless they have a business need to know about it.
- Routinely take precautions to keep confidential information from being disclosed. This includes making sure such information is not displayed on our desks or in your work area where it can be seen by anyone. You should also avoid transmitting information via a computer or by fax in ways that might make it available to unauthorized people.
- Require third-party recipients of restricted Company information to keep such information confidential.

- Do not reveal Company trade secrets or the trade secrets of a previous employer or accept improperly obtained proprietary information about another company.
- Respect the confidentiality of private information concerning our employees and proprietary information from customers, suppliers and other third parties that comes to our attention under an understanding of confidentiality. We must respect the proprietary nature of such information and not use or disclose it without proper written authority.

Property Security

Company property and equipment identified for a specific job, such as computers, should be stored in a secured area with controlled access to prevent theft of such equipment.

All employees are required to follow the established procedures for removing Company property -- whether equipment, tools, or scrap -- from the workplace. In sales offices, prior approval of a manager is required.

If you observe anyone removing material from Company premises without proper authorization, report it to your manager.

Workplace Searches

To safeguard the property of our employees, our customers, and the Company, and to help prevent the possession, sale, and use of illegal drugs on the Company's premises, in keeping with the spirit and intent of the Company's drug-free workplace policy, the Company reserves the right to question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunchboxes, or any other possessions or articles carried to and from the Company's property.

In addition, the Company reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises. In this connection, it should be noted that all offices, desks, files, lockers, and so forth, are the property of the Company, and are issued for the use of employees only during their employment with the Company. Inspections may be conducted at any time at the discretion of the Company.

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy will not be permitted to enter the premises. Employees working on, entering or leaving the premises, who refuse to cooperate in an inspection, as well as, employees, who after the inspection are believed to be in possession of stolen property or illegal drugs, will be sent

immediately to Human Resources and be subject to disciplinary action up to and including discharge.

Threats and Violence

The Company seeks to provide a safe workplace and protect employees and non-employees from threats to their safety. Threats, threatening behavior or acts of violence against employees, visitors, guests, or other individuals by anyone on Company property will not be tolerated.

Any person who makes substantial threats, exhibits threatening behavior, engages in violent acts, or other such unacceptable behavior on Company property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation.

Should an investigation substantiate that violations of this policy have occurred, the Company will initiate a decisive and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or seeking the arrest or prosecution of the person or persons involved.

All Company personnel are responsible for notifying their manager or supervisor of any threats that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees should also alert appropriate individuals to any behavior they have witnessed which they regard as threatening or violent, when that behavior is job-related or might be carried out on a Company-controlled site, or is connected to company employment.

Employees are responsible for making this report regardless of the nature of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. The manager or supervisor is required to notify the Human Resources Leader of all employee security concerns.

Crisis Management Plan

As a Company that cares about the well-being of its employees, customers and its neighbors in the communities where we do business, we work hard to insure that crises are prevented. But, no matter how thorough our preventive practices, certain crisis situations can occur.

Crises are incidents that could seriously harm the Company's employees, customers, operations, property and/or reputation. They include, but aren't limited to, serious injuries or injuries involving multiple people, acts of nature,

major information systems failure, explosions, product failures or tampering, employment-related issues such as strikes, workplace violence, sabotage or chemical discharges in the communities where we do business.

In the event that a crisis situation develops, gather as much information as you can without exposing yourself or others to harm or injury. You must then contact Human Resources immediately or in their absence, contact your immediate supervisor.

Any questions around the Crisis Management Plan should be directed to your immediate supervisor or Human Resources.

EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the Company Employee Handbook and understand that I am responsible for becoming familiar with and understanding its contents. I understand that this information is provided on an advisory basis and that the policies or benefits may change from time to time. I further understand that employment is at will for an indefinite period of time unless terminated at any time by Company or myself. I agree to contact the Human Resource Department with any questions that may arise.

Employee Name (Please Print)

Employee Signature

Date