

# **Mountainside Fitness Employee Handbook**



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Welcome to Mountainside Fitness!

On behalf of your colleagues, I welcome you and wish you every success here.

We believe that each employee contributes directly to our growth and success, and we hope you will take pride in being a member of our team.

This handbook outlines the policies, programs, and benefits available to eligible employees. It was also developed to describe some of the expectations we have of our employees. The employee handbook will answer many questions about employment with Mountainside so I suggest that familiarize yourself with the contents of the employee handbook as soon as possible

We hope that your experience here will be challenging, enjoyable, and rewarding.

## **Introductory Statement**

This handbook is designed to acquaint you with Mountainside Fitness and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment.

You should read, understand, and comply with all provisions of the handbook. The handbook describes many of your responsibilities as an employee and outlines the programs we have developed to benefit our employees. One of our objectives at Mountainside Fitness is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about every one of our policies. Further, there may be situations where the need arises for us to revise, add, or cancel policies. Therefore, Mountainside Fitness reserves the right to add new policies, and to change or cancel existing policies at any time. We will notify you of any changes to the handbook as they occur.

## **Nature of Employment**

*Effective Date: 1/1/2017*

*Revision Date:*

Employment with Mountainside Fitness is voluntarily entered into, and you are free to resign at will at any time, with or without cause. Similarly, Mountainside Fitness may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

The policies in this handbook are not intended to create a contract. The policies should not be construed to constitute contractual obligations of any kind or a contract of employment between Mountainside Fitness and any employee. The provisions of the handbook have been developed at the discretion of management and, except for the policy of employment-at-will, may be amended or canceled at any time, at the sole discretion of Mountainside Fitness.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the chief executive officer of Mountainside Fitness.



## **Employee Relations**

*Effective Date: 1/1/2017*

*Revision Date:*

We believe that the work conditions, wages, and benefits we offer to Mountainside Fitness employees are competitive with those offered by other employers in this area and in this industry. If you have concerns about work conditions or compensation, you are strongly encouraged to voice these concerns openly and directly to your supervisor.

Our experience has shown that when employees deal openly and directly with management, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that Mountainside Fitness amply demonstrates its commitment to employees by responding effectively to employee concerns.

If employees want to investigate the option of representation by individuals outside Mountainside Fitness, we strongly encourage that you carefully consider all sides, including related issues such as regular deductions for representation fees from your paycheck, the potential for outside interference with supervisory relationships, and the commitment for you to comply with third party-initiated directions.

Because we want to maintain direct employer/employee communications, we will resist organization, within the limits of the law, and protect your right to speak for yourself.

## **Equal Employment Opportunity**

*Effective Date: 1/1/2017*

*Revision Date:*

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Mountainside Fitness will be based on merit, qualifications, and abilities. Mountainside Fitness does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

We will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy covers all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

If you have a question or concern about any type of discrimination in the workplace, you are encouraged to bring the issue to the attention of your supervisor or the Human Resources Department. At Mountainside Fitness, be assured that you can raise concerns and make reports without fear of reprisal. Further, anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

## **Business Ethics and Conduct**

*Effective Date: 1/1/2017*

*Revision Date:*

The successful business operation and reputation of Mountainside Fitness is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

Our continued success is dependent upon our customers' trust and we are dedicated to preserving that trust. Employees owe a duty to Mountainside Fitness, our customers, and shareholders to act in ways that will merit the continued trust and confidence of the public.

As an organization, Mountainside Fitness will comply with all applicable laws and regulations and we expect our directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, you should find that using good judgment, based on high ethical principles, will guide you to act appropriately. If you are unsure about the proper course of action, you should discuss the matter openly with your supervisor. If necessary, you may also contact the Executive Office for advice and consultation.

It is the responsibility of every Mountainside Fitness employee to comply with our policy of business ethics and conduct. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

### **Standards of Conduct**

We prefer our work environment to be positive and motivational. We feel this breeds productive, successful employees who will enjoy their jobs. However, it is necessary for you to both understand and abide by certain policies and procedures. Failure to comply with these & other policies and procedures would be grounds for disciplinary action including dismissal. These standards also apply to employees who are using the facilities as members.

1. Must be at workstation, in uniform, ready to work at the assigned start time, do not leave your workstation before the designated time (unless approved by your supervisor).
2. The sale, promotion, or distribution of any unapproved product or service may result in termination.
3. Consumption or possession of drugs or alcohol before or during work or at any other time while on Mountainside property. Reporting to work under the influence of drugs and/or alcohol.
4. Possession of firearms or weapons while on company property, or not reporting knowledge of another person's possession of a firearm or weapons.
5. Misrepresentation, alteration, or falsification of your time card or the time card of another staff member.
6. Immoral, indecent, violent, or offensive language or conduct towards members, fellow employees, and/or guests, including standards or counterproductive language.
7. Eating or drinking in un designated areas of the club.
8. Removal of equipment or documents from the premises without proper authorization, or use of company materials without approval from the Department/Manager.

9. Violation of policy regarding solicitation on Mountainside Property.
10. Violation or disregard for safety rules.
11. Management reserves the right to inspect any packages, purses, or bags brought in or taken out of the club by an employee or guest of an employee.
12. Insubordination- In a group setting openly disparage, complain, or disapprove of what a manager or co-worker does or says. The refusal to perform any job related duty.
13. Discourtesy to members/guests, or intentionally failing to provide exceptional service.
14. Workplace Violence: Mountainside has a zero-tolerance policy to any and all workplace violence. Mountainside wants to maintain a safe and enjoyable environment for all and forbids the use of a hostile statements, bullying, and/or intimidation from employees. This includes any words related to harming co-workers on or off premises. Threatening conduct or statements, if work-related in any way, are cause for immediate discipline up to and including termination. Mountainside Fitness requires employees to report threats and hostile statements, etc. within 24 hours of the incident to their Manager or H.R. Dept. in writing (obtain form from Manager or Human Resources Dept.)

## **Dishonesty**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness considers thefts and dishonesty serious offenses. If you take company property, merchandize, or another employee or member's property it is stealing. Stealing in any form will not be tolerated. Stealing and/or dishonesty may be grounds for immediate termination.

## **Immigration Law Compliance**

Mountainside is committed to employing only United States citizens and aliens who are legally authorized to work in the United States. We also do not unlawfully discriminate on the basis of citizenship or national origin.

In order for us to comply with the Immigration Reform and Control Act of 1986, all new employees, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and provide documentation that establishes their identity and eligibility for employment. Former employees who are subsequently rehired must also complete an I-9 and provide appropriate documentation if 1) they have not completed an I-9 with Mountainside within the past three years, or 2) their previous I-9 is no longer valid or was not retained.

At Mountainside Fitness, you can raise questions or complaints about immigration law compliance without fear of reprisal.

## **Conflicts of Interest**

*Effective Date: 1/1/2017*

*Revision Date:*

As an employee of Mountainside Fitness, you have the obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. In this policy, Mountainside Fitness is establishing the framework within which we wish to operate. These guidelines are intended to provide a general direction so that you can get further clarification on areas that affect you. For more information or questions on conflict of interest, contact the Executive Office.

All transactions with firms outside Mountainside Fitness must be conducted within the framework established and controlled by the executive level of Mountainside Fitness. Business dealings with outside firms should not result in unusual gains for those firms. "Unusual gains" refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit either the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of business dealings with Mountainside Fitness. For the purposes of this policy, we define a relative as any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

There is no "presumption of guilt" created by the mere existence of a relationship with outside firms. However, if you have any influence on transactions involving purchases, contracts, or leases, it is imperative that you disclose this fact to an officer of Mountainside Fitness as soon as possible. By alerting us to the existence of any actual or even a potential conflict of interest, we can establish safeguards to protect all parties.

The potential for personal gain is not limited to situations where an employee or relative has a significant ownership in a firm with which Mountainside Fitness does business. Personal gains can also result from situations where an employee or relative receives a kickback, bribe, substantial gift, or special consideration as a result of a transaction or business dealings involving Mountainside Fitness.

## **Pre Employment**

*Effective Date: 1/1/2017*

*Revision Date: 11/30/2016*

In addition to pre-employment Drug Testing, other requirements may apply as follows: all management and child care job applicants and/or applicants who will supervise the area, after a conditional offer of employment has been made, may be subject to a background check. This also applies to those current employees requesting a transfer into the child care area. Results from this check will be evaluated and any derogatory information will be evaluated to determine eligibility. All employees are verified through the Department of Labor National Sex Offender Registry.



## **Outside Employment**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness employees may hold outside jobs as long as they can satisfactorily perform their job and there is no interference with our scheduling demands.

All employees will be held to the same standards of performance and scheduling expectations, regardless of any outside job. If we determine that outside work is impacting your performance or the ability to meet our requirements, which may change over time, you will be asked to terminate the outside job in order to stay employed at Mountainside Fitness. Mountainside Employees are expected to represent Mountainside Fitness positivity at all times especially when employment is gained through Mountainside affiliation.

We prohibit outside employment which constitutes a conflict of interest including, but not limited to, all fitness related endeavors. Further, you may not receive any income or material gain from individuals outside Mountainside Fitness for materials produced or services rendered while performing your job. You may never solicit of any members, vendors, or fellow employees.

**All full time employees, managers, and sales staff must disclose all outside employment, regardless of nature, in writing to their supervisor. This must be approved and saved in the employee file.**

## **Non-Disclosure**

*Effective Date: 1/1/2017*

*Revision Date:*

It is vital to the interests and success of Mountainside Fitness that we protect our confidential business information and trade secrets. Confidential information includes, but is not limited to, the following examples:

- \* computer processes
- \* computer programs and codes
- \* customer lists
- \* customer preferences
- \* financial information
- \* labor relations strategies
- \* marketing strategies
- \* new materials research
- \* pending projects and proposals
- \* proprietary production processes
- \* research and development strategies
- \* technological data

You may be asked to sign a non-disclosure agreement as a condition of your employment.

Because we consider security breaches very serious, if you improperly use or disclose trade secrets or confidential business information, you will be subject to disciplinary action, up to and including termination of employment and legal action, even if you do not actually benefit from the disclosed information.

## **Disability Accommodation**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities.

All employment practices and activities are conducted on a non-discriminatory basis. Our hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. When requested, we will make job applications available in alternative, accessible formats, as well as provide assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to an employee with a disability if the disability affects the performance of job functions. We make all employment decisions based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. We make leaves of all types available to all employees on an equal basis.

Mountainside Fitness is also committed to not discriminating against any qualified employee or applicant because the person is related to or associated with a person with a disability. Mountainside Fitness will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. Mountainside Fitness is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

## **Employment Categories**

Understanding the definitions of the employment classifications at Mountainside is important because your classification is one of the factors that determine your employment status and benefit eligibility.

Depending on your position, you are designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. Your EXEMPT or NONEXEMPT classification may be changed only with written notification by Mountainside Management.

In addition to the Exempt and Nonexempt categories, you also belong to one of the following employment categories:

REGULAR FULL-TIME employees are employees who are not in an introductory status (90 day probationary period) AND who are regularly scheduled to work a full-time schedule at Mountainside. Generally, regular full-time employees are eligible for all Mountainside benefit programs, subject to the terms and limitations of each benefit program.

PART-TIME employees are employees who are regularly scheduled to work less than 30 hours per week. Part-time employees are ineligible for t Mountainside employee benefit programs. Mountainside is proud to offer out Part-time employees access to the MEC health insurance program.

## **Access to Personnel Files**

*Effective Date: 1/1/2017*

*Revision Date:*

At Mountainside Fitness, we maintain a personnel file on each employee that includes the job application and related hiring documents, training records, performance documentation, salary history, and other employment records.

Personnel files are the property of Mountainside Fitness. Because this information is highly confidential and we respect your privacy, only persons with a legitimate business reason will be allowed access to personnel files.

## **Personnel Data Changes**

*Effective Date: 1/1/2017*

*Revision Date:*

To help us keep records and benefit program information accurate, please notify Mountainside Fitness of any changes to your personal information. The information we need includes your mailing address, telephone numbers, your marital status, changes to your dependents' information, who to contact in case of an emergency, educational accomplishments, and other possibly relevant information. To make changes or if you have questions about what information is required, contact the Human Resources Department.

## **Employment Applications**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness relies on the accuracy of the information provided on the employment application, as well as the accuracy of other data presented during the hiring process and employment. If there are any misrepresentations, falsifications, or material omissions in any of this information, we may exclude that applicant from further consideration. If the person was already hired, it could result in termination of employment.

## **Performance Evaluation**

*Effective Date: 1/1/2017*

*Revision Date:*

The best communications about job performance happen on an informal, day-to-day basis. You and your supervisor are strongly encouraged to talk about performance regularly. Formal written performance evaluations will be conducted at the end of the initial period of hire, known as the introductory period. In addition, Mountainside Fitness wants to ensure that you and your supervisor have scheduled, formal performance evaluations. These discussions give you both the opportunity to discuss job responsibilities and goals, encourage and recognize strengths, identify and correct any weaknesses, develop plans for dealing with any obstacles, and plan for the future.

Performance evaluations are scheduled approximately every 12 months, coinciding generally with the anniversary of the employee's original hire date.



## **Job Descriptions**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness makes every effort to create and maintain accurate job descriptions for all positions within the Organization. Each description includes sections for job information; a job summary (giving a general overview of the job's purpose); essential duties and responsibilities; supervisory responsibilities; qualifications (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required); physical demands; and work environment.

We use the job descriptions to help new employees understand their job duties and to set standards for employee performance evaluations. Job descriptions are also used to identify the requirements of each position, establish hiring criteria, and establish a basis for making reasonable accommodations for individuals with disabilities.

The Human Resources Department and Senior Management prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. You can also be helpful by making sure that your job description accurately reflects the work you do.

We would like you to remember that job descriptions do not necessarily cover every task or duty that you might be assigned, and that additional responsibilities may be assigned as necessary. You can contact the Human Resources Department if you have any questions or concerns about your job description.

## **Vacation Benefits**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness offers vacation time off with pay to eligible employees for rest, relaxation, and personal pursuits. Employees in the following employment classifications are eligible to earn and use vacation:

\* Regular full-time employees

The amount of paid vacation time you receive each year increases with the length of your employment as shown in the following schedule:

\*After 1 year of eligible service, the employee is entitled to 5 vacation days, accrued annually at the rate of 5 days.

\*After 2 years of eligible service, the employee is entitled to 10 vacation days, accrued annually at the rate of 10 days.

\*After 5 years of eligible service, the employee is entitled to 15 vacation days, accrued annually at the rate of 15 days.

The length of eligible service is calculated on the basis of a "benefit year". A "benefit year" is defined as the 12-month period that begins when you start earning vacation time. Your benefit year may be extended for any significant leave of absence except military leave of absence. (Military leave has no effect on the benefit year calculation.) See the leave of absence policies in this handbook for more information.

Once you enter an eligible employment classification, you begin to earn paid vacation time according to the schedule in this policy. You can use earned vacation time in the year after it is accrued.

You may use vacation time in minimum increments of one-half day. To schedule vacation time, you should first request advance approval from your supervisor. Each request will be reviewed based on a number of factors, including our business needs and staffing requirements.

Vacation time off is paid at your base pay rate at the time of the vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

We encourage you to use your available paid vacation time for rest, relaxation, and personal pursuits. In the event that you do not use your available vacation by the end of the benefit year, you will forfeit the unused time.

If your employment terminates, you will be paid for any unused vacation time that has been earned through your last day of work.

## **Holidays**

*Effective Date: 1/1/2017*

*Revision Date: 1/1/2017*

Mountainside Fitness gives holiday time off to full-time management, administration and maintenance personnel on the following holidays:

- \* New Year's Day (January 1)
- \* Memorial Day (last Monday in May)
- \* Independence Day (July 4)
- \* Labor Day (first Monday in September)
- \* Thanksgiving (fourth Thursday in November)
- \* Christmas (December 25)

We provide holiday time off with pay to eligible employees who have completed 90 calendar days of service in an eligible employment classification. If you are eligible for paid holidays, your holiday pay will be calculated on your straight-time pay rate as of that holiday multiplied by the number of hours you would normally have worked on that day. Holidays are "floating" for full-time management, meaning they can only be used 7 days before or after the holiday takes place. Employees are eligible for floating holidays only if they are regularly scheduled to work that day. For example, an Assistant Manager may float their Easter Holiday because they are schedule to work on Sundays. To use a floating holiday, you should first request advance approval from your supervisor.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

To be eligible to use holiday time, employees must complete 90 calendar days of service in an eligible employment classification.

All hourly employees who work New Year's day and Thanksgiving day will be paid at time and a half.

## **Sick Leave Benefits**

Mountainside provides paid sick leave benefits to eligible employees for periods of temporary absence due to illnesses or injuries. All employees are eligible for sick leave.

Employees will accrue sick leave benefits at the rate of 1 hour per 30 worked. Employees shall not be entitled to accrue or use more than 40 hours per year. Unused sick leave benefits will be allowed to accumulate indefinitely. Sick leave benefits are calculated on the basis of a "calendar year".

You can request use of paid sick leave after completing a waiting period of 90 calendar days from the date of your first shift. Paid sick leave can be used in minimum increments of one hour.

Sick leave may be used for:

1. An employee's mental or physical illness, injury or health condition; an employees' need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
2. Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;
3. Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or
4. Absence necessary due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member:
  - (a) Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse or stalking;
  - (b) Services from a domestic violence or sexual violence program or victim services organization;
  - (c) Psychological or other counseling;
  - (d) Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
  - (e) Legal services, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, abuse or stalking.

Earned paid sick time shall be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means or by any other means acceptable to the employer. When possible, the request shall include the expected duration of the absence.

If you are absent for three or more consecutive days due to illness or injury, a physician's statement must be provided upon your return to work. Before returning to work from a sick leave absence of 3 calendar days or more, you must provide a physician's verification that you may safely return to work.

Sick leave benefits will be calculated based on your base pay rate at the time of the absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. You will not be paid for unused sick leave benefits while you are employed or upon termination of employment.

If you are unable to report to work due to illness or injury, you must notify your supervisor 2 hours before the scheduled start of your workday. Your supervisor must also be contacted prior to your shift each additional day of absence.

## **Bereavement Leave**

*Effective Date: 1/1/2017*

*Revision Date:*

In the event that you need to take time off due to the death of an immediate family member, Mountainside Fitness provides bereavement leave. To request bereavement leave, see your supervisor.

We grant up to 3 days of paid bereavement leave to eligible employees in the following employment classifications:

\* Regular full-time employees

During paid bereavement leave, your pay will be calculated based on your pay rate at the time of absence, excluding any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

We will normally grant bereavement leave unless there are unusual business needs or staffing requirements that prevent accommodating the request. You may also, with supervisory approval, use any available paid leave benefits, such as vacation, for additional time off as necessary.

The bereavement leave policy defines "immediate family" as your spouse, parent, child, or sibling; your spouse's parent, child, or sibling; your child's spouse; or your grandparents or grandchildren.

## **Jury Duty**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness encourages you to fulfill your civic responsibilities by serving jury duty when required. You may request unpaid jury duty leave for the length of absence. You may also use any available paid time off, such as vacation time, in order to be compensated for unpaid jury duty leave.

If you receive a jury duty summons, show it to your supervisor as soon as possible so that arrangements can be made to accommodate your possible absence from work. You are expected to report for work whenever the court schedule permits.

Either you or Mountainside Fitness may request you be excused from jury duty if necessary. We may request that you be relieved from serving on jury duty if we believe that your absence would cause serious operational difficulties for Mountainside Fitness.

Subject to the terms, conditions, and limitations of the applicable plans, Mountainside Fitness will continue to provide health insurance benefits until the end of the month in which the unpaid jury duty leave begins. At that time, you will become responsible for the full cost of those benefits in order for coverage to continue. When you return from unpaid jury duty, Mountainside Fitness will resume providing those benefits according to the applicable plans.

Vacation, sick leave, and holiday benefits will continue to accrue during unpaid jury duty leave.

## **Benefits Continuation (COBRA)**

*Effective Date: 1/1/2017*

*Revision Date:*

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under our health plan when a "qualifying event" occurs that would normally result in the loss of eligibility. "Qualifying events" include resignation, termination of employment, or death of an employee; a reduction in an employee's hours; employee's leave of absence; employee's divorce or legal separation; and when a dependent child no longer meets the eligibility requirements as a dependent.

Under COBRA, the employee or beneficiary pays the full cost of coverage at Mountainside Fitness' group rates plus an administration fee. When you become eligible for Mountainside Fitness health insurance, we will also give you a written notice describing the rights granted under COBRA. Because the COBRA notice contains important information about your rights and your obligations, please read it carefully.



## **Health Insurance**

*Effective Date: 1/1/2017*

*Revision Date:*

The health insurance plan at Mountainside Fitness offers employees and their dependents access to medical, dental, and vision care insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan:

\* All employees

Eligible employees may participate in the health insurance plan subject to the terms and conditions of the agreement between Mountainside Fitness and the insurance carrier.

You will find details of the health insurance plan in the Summary Plan Description (SPD). When you become eligible, you will receive an SPD and rate information prior to the enrollment date. For questions about your eligibility for health insurance, contact the Human Resources Department for additional information. If you have questions about your plan, coverage, deductables, or need a new card, call the Benefits Help Line at 1-888-298-4241.

## **Workers' Compensation Insurance**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness provides a workers' compensation insurance program to our employees. The workers' compensation program covers injuries sustained in the course of employment that require medical, surgical, or hospital treatment. Subject to the applicable legal requirements, this program provides benefits after a short waiting period or, in the event of hospitalization, immediately.

It is critical that you inform your supervisor immediately about any work-related injury, regardless of how minor it might appear at the time. Immediate reporting ensures that, if eligible, you will qualify for workers' compensation benefits as quickly as possible and also lets us investigate the matter promptly. Mountainside Fitness requires all employees to report injuries the same day. When clocking out, you signify your shift was without incident.

Workers' compensation is intended to cover only work-related injuries. Because of this, neither Mountainside Fitness nor our insurance carrier will be liable for the payment of workers' compensation benefits for injuries that might occur during employees' voluntary participation in off-duty recreational, social, or athletic activities that we may sponsor.

## **Timekeeping**

*Effective Date: 1/1/2017*

*Revision Date:*

Nonexempt employees are responsible for accurately recording the hours they work. This information also helps Mountainside Fitness comply with the laws that require us to keep accurate records of "time worked" in order to correctly calculate employee pay and benefits. "Time worked" is defined as all the time nonexempt staff spend performing assigned duties.

If you are a nonexempt employee, you must accurately record the time you begin and end your work, as well as the beginning and ending time of any meal periods, split shifts, or if you leave the workplace for personal reasons. Also, you always need to receive advance approval before working any overtime hours.

We consider attempts to falsify timekeeping records a very serious matter. Therefore, any of the following actions may result in disciplinary action, up to and including termination: altering, falsifying, tampering with time records, or recording another employee's time record.

If you are a nonexempt employee, you should not start working more than 5 minutes before your scheduled starting time. You should also not continue working more than 5 minutes after your schedule ending time. The only time you can start earlier or work later is with prior authorization from your supervisor.

## **Overtime**

*Effective Date: 1/1/2017*

*Revision Date:*

There may be times when Mountainside Fitness cannot meet its operating requirements or other needs during regular working hours. If this happens, we may give employees the opportunity to volunteer for overtime work assignments.

It is our policy that no overtime can be worked without the approval and authorization of the supervisor. We try to distribute overtime assignments fairly among all employees who are qualified to perform the required work.

All nonexempt employees will be paid overtime compensation in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. For this reason, time off for sick leave, vacation, and other paid or unpaid leaves of absence is not considered hours worked for the purpose of calculating overtime pay. Mountainside Fitness work week is defined as Monday to Sunday.

If you work overtime without receiving your supervisor's prior authorization, you may be subject to disciplinary action, up to and including possible termination of employment.

## **Paydays**

*Effective Date: 1/1/2017*

*Revision Date:*

All employees are paid semimonthly on the 7th and 22nd of the month. Each paycheck includes earnings for all work performed through the end of the previous payroll period.

All payroll is direct deposit via employee issued bank account, or company issued paycard.

If a regularly scheduled payday falls on a weekend or holiday, you will be paid on the last work day before the regularly scheduled payday.

## **Employment Termination**

*Effective Date: 1/1/2017*

*Revision Date: 07/12/2018*

Termination of employment is an inevitable part of personnel activity within any Organization, and many of the reasons for termination are routine. These are some of the most common circumstances for employment terminations:

- \* Resignation - voluntary employment termination initiated by an employee.
- \* Discharge - involuntary employment termination initiated by the organization.
- \* Layoff - involuntary employment termination initiated by the organization for nondisciplinary reasons.
- \* Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

Since employment with Mountainside Fitness is based on mutual consent, either you or Mountainside Fitness have the right to terminate the employment relationship at will, with or without cause or advance notice, at any time.

When your employment ends due to discharge, you will receive your final pay within 7 business days. If a direct deposit date falls in that period your final pay will be deposited, if not, it will be mailed to your home. When your employment ends in a voluntary fashion, your final pay will be deposited on the next payday.

Your benefits are affected by termination in several ways. All accrued, vested benefits that are due and payable at termination will be paid out. Some benefits may be continued at your expense if you choose. You will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations for continuing them.

Employee memberships are canceled at time of separation and may be reactivated after 45 days for employees who resign, or 90 days for employees who are discharged. All discharged employees must receive approval from the corporate office prior to purchasing a membership as some situations may warrant a longer cooling off period.

## **Administrative Pay Corrections**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness takes all reasonable steps to ensure that you receive the correct amount of pay in each paycheck and that you are paid on the scheduled payday.

In the unlikely event that there is an error in the amount of pay you receive, you should promptly advise the Human Resources Department so that the discrepancy can be corrected as quickly as possible.

If you create an error in payroll by not clocking in or failing to complete an event, you must notify your supervisor within 30 days to ensure you are compensated.

## **Pay Deductions and Setoffs**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness is legally required to make certain deductions from every employee's compensation. Among these deductions are federal, state, and local taxes as appropriate. We are also legally required to deduct Social Security taxes on your earnings up to a maximum amount, which is called the Social Security "wage base". Mountainside Fitness contributes to your Social Security by matching the amount of Social Security taxes deducted from your compensation.

Mountainside Fitness offers programs and benefits to eligible employees beyond those required by law. You may voluntarily authorize deductions from your paycheck to cover your portion of the cost of these programs.

We may find it necessary to take "pay setoffs" from your paycheck. Pay setoffs are pay deductions taken by Mountainside Fitness, usually to help pay off a debt or obligation to us or to others.

If you have questions concerning why a deduction was made from your paycheck or how your paycheck is calculated, consult with HR.



## **Safety**

*Effective Date: 1/1/2017*

*Revision Date:*

To assist in providing a safe and healthful work environment for employees, customers, and visitors, Mountainside Fitness has established a workplace safety program. This program is a top priority at Mountainside Fitness. The success of the program depends on the alertness and personal commitment of everyone.

We provide information to employees about workplace safety and health issues through regular internal communication channels. These may include supervisor-employee meetings, memos, or other written communications.

You are expected to obey all safety rules and use caution in your work activities. You must immediately report any unsafe condition to the appropriate supervisor. If you violate Mountainside Fitness safety standards, cause a hazardous or dangerous situation, or fail to report or, where appropriate, remedy such situations, you may be subject to disciplinary action, up to and including termination of employment.

In the case of an accident that results in an injury, regardless of how insignificant the injury may appear, you should immediately notify the appropriate supervisor. Prompt reporting can ensure legal compliance and quick initiation of insurance and worker's compensation benefits procedures.

All injuries **MUST** be reported before leaving work for the day.

All employees must be CPR certified within 90 days of employment and maintain a current CPR certification. The club offers certification classes on a regular basis at no fee to the employees, however staff members are not paid for their time in becoming certified.

No smoking or chewing tobacco is allowed on Mountainside Fitness property at any time.

## **Work Schedules**

*Effective Date: 1/1/2017*

*Revision Date:*

Work schedules for employees vary throughout Mountainside Fitness. Your supervisor will advise you of your specific work schedule. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Staff must call and talk to their direct supervisor or manager on duty in order to call in sick or call for their shift off. The employee must still make attempts to find shift replacement. Staff must speak to a person, no voicemail. Employees must call 2 hours prior to their shift start time or they can be terminated.

Exception: The employee is physically unable to make a call, e.g., the employee is incapacitated in the hospital. A staff member who is absent for (3) consecutive days without communication with a supervisor or a manager shall be considered to have voluntarily resigned.

## **Rest and Meal Periods**

*Effective Date: 1/1/2017*

*Revision Date:*

Meal breaks are granted as follows:

Shifts in length from 6 hours to 7 hours 59 minutes receive 15 minutes paid

Shifts 8 hours and longer receive 30 minutes paid

Supervisors will schedule meal periods to accommodate operating requirements. For liability reasons, employees may not leave the property while on break. If an employee needs to leave the property, they must clock-out.

Staff with children in childcare for longer than 4 hours, must clock out and take a 15 minute break with their children.

## **Use of Equipment and Vehicles**

*Effective Date: 1/1/2017*

*Revision Date:*

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using Mountainside Fitness property, you are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

You should notify your supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or other people. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment or vehicles you use on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including termination of employment.

## **Computer and Email Usage**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness may give employees access to computers, computer files, the email system, and software to use in doing their work. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To make sure that employees comply with this policy, computer and email usage may be monitored.

We strive to maintain a workplace that is free of harassment and sensitive to the diversity of our employees. Therefore, we prohibit the use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale.

We prohibit displaying, downloading, or emailing sexually explicit images, messages, and cartoons. Other examples of unacceptable computer usage include (but are not limited to) ethnic slurs, racial comments, off-color jokes, or anything that may be seen by another person as harassment or disrespectful.

You may not use email to solicit others for commercial ventures, religious or political causes, outside organizations, or other nonbusiness matters.

## **Workplace Violence Prevention**

Mountainside is committed to preventing workplace violence and to maintaining a safe work environment. We have adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that might occur during business hours or on our premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. We prohibit firearms, weapons, and other dangerous or hazardous devices and substances from the premises of Mountainside without proper authorization.

Mountainside will not tolerate conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods. This includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, either direct or indirect, should be reported as soon as possible to your supervisor or any other member of management. This includes threats by employees as well as threats by customers, vendors, solicitors, or anyone else. When reporting a threat of violence, you should be as specific and detailed as possible.

Be sure to report any suspicious person or activities as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work area, do not try to intercede or see what is happening.

We will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the person who made the report will be protected to the extent practical. To maintain workplace safety and the integrity of its investigation, Mountainside may suspend an employee, either with or without pay, pending investigation.

Any person who violates these guidelines will be subject to disciplinary action, up to and including termination of employment. Violations include making a threat of violence or actually committing a violent act.

If you are having a dispute or differences with another employee, we encourage you to discuss it with your supervisor or the before the situation escalates into potential violence. Mountainside is eager to assist in the resolution of employee disputes and we will not discipline an employee for raising these types of concerns.

## **Medical Leave**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness provides unpaid medical leaves of absence to eligible employees who become temporarily unable to work due to a serious health condition or disability. For medical leave purposes, a serious health condition or disability includes inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; and temporary disabilities associated with pregnancy, childbirth, and related medical conditions.

Employees in the following employment classifications are eligible to request medical leave:

\* All employees

Eligible employees may request medical leave only after completing 90 calendar days of service, however we may consider exceptions to the service requirement to accommodate disabilities. In order to receive medical leave, you must specifically request it. If you think you will need a medical leave, give your request to your supervisor at least 30 days in advance of the date the leave would start. This will help us plan for your possible absence. If it is an unexpected situation, make your request as soon as possible.

We require a health care provider's statement verifying the need for medical leave and the start and expected end dates. You are responsible for telling us about any subsequent changes to that information. Before you can return to work, we will require verification from a health care provider stating that you are fit to return.

Unpaid medical leaves are normally for the period of the disability, up to a maximum of 12 weeks within any 12 month period. The week maximum applies to any combination of both medical leave and family leave during any month period. Before beginning an unpaid medical leave, you must first use any available accrued paid time off, such as vacation or sick benefits.

If you incur a work-related injury, you are eligible for a medical leave for the period of disability in accordance with the laws covering occupational disabilities.

Subject to the terms, conditions, and limitations of the applicable plans, Mountainside Fitness will provide health insurance benefits until the end of the month in which a medical leave begins. At that time, you will become responsible for the full cost of those benefits in order for coverage to continue. When you return from medical leave, Mountainside Fitness will resume providing those benefits according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during a medical leave and will resume when you return to active employment.

To help us plan for your return from leave, we request at least two weeks notice before your expected return date. When you return from medical leave, you will be reinstated to your position unless that job is no longer available. If it is not available, you will be placed in an equivalent position for which you are qualified.

If you do not report back to work promptly at the end of a medical leave, we will assume that you have resigned.



## **Family Leave**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness provides unpaid family leaves of absence to eligible employees who need to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child. Family leave may also be requested to care for a child, spouse, or parent with a serious health condition. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility. It also includes continuing treatment by a health care provider.

Employees in the following employment classifications are eligible to request family leave:

\* All employees who fall under FMLA

Eligible employees may request medical leave only after completing 90 calendar days of service. If you think you will need a family leave, give your request to your supervisor at least 30 days in advance of the date the leave would start. This will help us plan for your possible absence. If it is an unexpected situation, make your request as soon as possible.

If you request family leave due to the serious health condition of a child, spouse, or parent, you may be required to submit a health care provider's statement verifying the need for a family leave, the start and expected end dates, and the estimated time required.

An eligible employee may request up to a maximum of 12 weeks of family leave within any 12 month period. The week maximum applies to any combination of both family leave and medical leave during any month period. Before beginning an unpaid family leave, you must first use any available accrued paid time off, such as vacation or sick benefits. If your spouse is also employed by Mountainside Fitness, as a couple you may be restricted to a combined total of weeks leave within any month period for childbirth, adoption, or placement of a foster child, or to care for a parent with a serious health condition.

Subject to the terms, conditions, and limitations of the applicable plans, Mountainside Fitness will provide health insurance benefits until the end of the month in which a family leave begins. At that time, you will become responsible for the full cost of those benefits in order for coverage to continue. When you return from family leave, Mountainside Fitness will resume providing those benefits according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during a family leave and will resume when you return to active employment.

To help us plan for your return from leave, we request at least two weeks notice before your expected return date. When you return from family leave, you will be reinstated to your position unless that job is no longer available. If it is not available, you will be placed in an equivalent position for which you are qualified.

If you do not report back to work promptly at the end of a family leave, we will assume that you have

resigned.

## **Employee Conduct and Work Rules**

*Effective Date: 1/1/2017*

*Revision Date:*

To ensure orderly operations and provide the best possible work environment, we expect you to follow rules of conduct that will protect the interests and safety of all employees and Mountainside Fitness.

Although it is not possible to list all the forms of behavior that are considered unacceptable at work, the following are some examples of conduct that may result in disciplinary action, up to and including termination of employment:

- \* Theft or inappropriate removal or possession of property
- \* Falsification of timekeeping records
- \* Working under the influence of alcohol or illegal drugs
- \* Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- \* Fighting or threatening violence in the workplace
- \* Boisterous or disruptive activity in the workplace
- \* Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- \* Insubordination or other disrespectful conduct
- \* Violation of safety or health rules
- \* Smoking in prohibited areas
- \* Sexual or other unlawful or unwelcome harassment
- \* Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- \* Excessive absenteeism or any absence without notice
- \* Unauthorized absence from work station during the workday
- \* Unauthorized use of telephones, mail system, or other employer-owned equipment
- \* Unauthorized disclosure of business "secrets" or confidential information
- \* Violation of personnel policies
- \* Unsatisfactory performance or conduct

Since employment with Mountainside Fitness is based on mutual consent, either you or Mountainside

Fitness have the right to terminate the employment relationship at will, with or without cause or advance notice, at any time.

## **Drug and Alcohol Use**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness wants to provide a drug-free, healthful, and safe workplace. To meet this goal, we expect you to report to work in a mental and physical condition that enables you to perform your job in a satisfactory manner.

While on Mountainside Fitness premises or while conducting business-related activities off Mountainside Fitness premises, you may not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. We permit the legal use of prescribed drugs on the job only if they do not impair your ability to perform the essential functions of your job effectively and safely without endangering others.

If you violate this policy, it may lead to disciplinary action, up to and including immediate termination of your employment. Additionally, we may require that you participate in a substance abuse rehabilitation or treatment program. If you violate this policy, there could also be legal consequences.

To help employees understand the important provisions of this policy, we have established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, the resources available, and the consequences of violating this policy.

If you have questions about this policy or issues related to drug or alcohol use at work, you can raise your concerns with your supervisor or the Human Resources Department without fear of reprisal.

## **Sexual and Other Unlawful Harassment**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated. We provide ongoing sexual harassment training to ensure you the opportunity to work in an environment free of sexual and other unlawful harassment.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- \* Unwanted sexual advances.
- \* Offering employment benefits in exchange for sexual favors.
- \* Making or threatening reprisals after a negative response to sexual advances.
- \* Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- \* Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- \* Verbal sexual advances or propositions.
- \* Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- \* Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to your supervisor. If the supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the Human Resources Department or any other member of management. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the

investigation.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Human Resources Department or any member of management so it can be investigated in a timely and confidential manner. Any employee engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

## **Attendance and Punctuality**

*Effective Date: 1/1/2017*

*Revision Date:*

As an employee of Mountainside Fitness, we expect you to be reliable and punctual by reporting for work on time and as scheduled. When you are absent or late, it places a burden on other employees and can impact productivity and service. In the rare instances when you cannot avoid being late or are unable to work as scheduled, be sure to notify your supervisor as soon as possible so that appropriate arrangements can be made. Employees are responsible for finding their own coverage for absences.

Because unplanned absences can be disruptive to work, a poor attendance record or excessive lateness may lead to disciplinary action, up to and including termination of employment.



## **Personal Appearance**

*Effective Date: 1/1/2017*

*Revision Date:*

### Appropriate Work Ready Appearance

Our image is important and is a reflection in all areas of the club. It is essential that standards of dress, grooming, and personal hygiene be strictly adhered to. Proper care of yourself and constant attention to teeth, nails, hair, and body is required for maintaining good health and appearance. Because it is essential to our success that the proper image is always maintained, failure to comply with these Image and Grooming Standards may result in discipline up to and including termination. If you have questions regarding the Mountainside grooming standards please address them with your General Manager.

Female standards: Hair is to be styled at all times. No bizarre haircuts, styles, or colors are acceptable. No hats or excessive hair accessories except as allowed by law. An appropriate level of makeup is to be worn. No body piercings are allowed to show, except (2) earrings per ear. Gauges and tongue rings are prohibited. Pierced jewelry must be removed, not covered with tape or bandages. Jewelry is to be minimal; excessive jewelry is not permitted. One ring per hand maximum. No chokers, beads, or similar necklaces. Fingernails are to be well maintained & clean at all times. If false nails are worn, they are to be maintained. Employees in child care need to be conservative and ensure the length and/or shape will not harm the children in their care. Tattoos are to be covered by clothing; no braces, bandages or makeup will be allowed. The uniform is not to be cut or altered, faded or stained and may not be modified in any way. Clean athletic shoes must be worn at all times and replaced as needed.

Male standards: Hair is to be styled at all times. No bizarre haircuts, styles or colors are acceptable. No hats or headbands are to be worn except as allowed by law. Hair must be cut in a short style above the collar. Hair may not touch uniform shirt in any way. We require a clean-shaven look for men or well-manicured fully grown facial hair. No body piercings are allowed to show. Gauges, earrings and tongue rings are prohibited. Pierced jewelry must be removed, not covered with tape or bandages. Jewelry is to be minimal. One ring per hand maximum. One necklace maximum; it must not be too wide, long or heavy. No choker beads, or similar necklaces. Fingernails are to be well maintained & clean at all times. Males are to keep nails short and groomed. No nail polish will be tolerated. Tattoos are to be covered by clothing; no braces, tape or bandages will be allowed. The uniform is not to be cut or altered, faded or stained and may not be modified in any way. Clean athletic shoes must be worn at all times and replaced as needed.

Failure to comply with Image or Grooming Standards may result in discipline up to and including termination.

Front Desk, Café, Childcare and Member Service:

1. M Fitness staff shirt untucked, with or without staff jacket
2. Black athletic style pants or shorts (shorts must be a professional length)
3. M Fitness nametag
4. Closed-toed/heeled athletic shoes

5. No hats of any kind
6. Only the white or black neckline of a t-shirt will be visible under the staff shirt
7. All tattoos must be covered by clothing
8. A long sleeved plain black shirt may be worn to cover tattoos
9. No visible body piercings

Assistant Manager:

1. Grey and Red Collared M Fitness staff shirt, with or without staff jacket
2. Black athletic style pants or shorts. AGM may elect to wear black dress style pants.
3. M Fitness nametag
4. Closed-toed/heeled athletic shoes
5. No hats of any kind
6. Only the white or black neckline of a t-shirt will be visible under the staff shirt
7. All tattoos must be covered by clothing
8. A long sleeved plain black shirt may be worn to cover tattoos
9. No visible body piercings

General Manager:

1. Mountainside logo business casual shirt (i.e. dress shirt, polo, cardigan)
2. Coordinating dress bottoms (no athletic pants, capris, or shorts)
3. M Fitness nametag
4. Closed-toed/heeled dress shoes
5. No hats of any kind
6. All tattoos must be covered by clothing
7. No visible body piercings

Personal Training

1. Mountainside Fitness Personal Training staff shirt untucked
2. Black athletic style pants or shorts (shorts must be a professional length)
3. Closed-toed/heeled athletic shoes
4. Mountainside Fitness Personal Training Hat allowed
5. Only the white or black neckline of a t-shirt will be visible under the staff shirt
6. All tattoos must be covered by clothing
7. No visible body piercings

Corporate Office Staff

1. Business Casual attire
2. Staff may wear company logo attire
3. Logo wear may be worn with jeggings or leggings
4. All upper body tattoos must be covered
5. No visible body piercings
6. Jean are allowed on Friday

## **Return of Property**

*Effective Date: 1/1/2017*

*Revision Date:*

As part of your job, you may be issued or given temporary possession of Mountainside Fitness property, materials or written information.

You are responsible for the control of Mountainside Fitness property in your possession and expected to return it promptly when requested or if your employment ends. In situations where you do not return Mountainside Fitness property, we may take steps to recover the item or its cost by withholding from your regular or final paycheck when allowed by law, or by taking legal action.

## **Membership**

*Effective Date: 1/1/2017*

*Revision Date:*

All regular employees receive complimentary access to Mountainside Fitness. It is important that you are familiar with our amenities and can speak to prospective members from a familiar standpoint.

All employees must work a minimum of two shifts or classes per week to maintain the free membership. Employee memberships must have personal billing information on file at all times to cover incidentals.

We encourage you, on your personal time, to take advantage of equipment and classes. However, please remember that the members do come first. You may be required to relinquish a locker, spot in the locker room, piece of equipment, or a spot in a class, should it be necessary to accommodate a member or guest. Please be responsible and courteous; do not wait for a manager to ask you to do the right thing.

## **Resignation**

*Effective Date: 1/1/2017*

*Revision Date:*

Resignation is defined as a voluntary act initiated by an employee to terminate employment with Mountainside Fitness. Although there is no requirement that you give advance notice, doing so can reduce the impact on your co-workers and productivity. We request a resigning employee submit a written notice of resignation at least 2 weeks in advance.

Before an employee leaves, we will schedule an exit interview to better understand the reasons for resignation and to go over any resulting benefit changes.

If an employee resigns without providing adequate advance notice as explained above, we will consider that person ineligible for rehire.

## **Social Media**

*Effective Date: 1/1/2017*

*Revision Date:*

Guidelines for functioning in an electronic world are the same as the values, ethics and confidentiality policies employees are expected to live every day, whether you're Tweeting, talking with customers or chatting over the neighbor's fence. Remember, your responsibility to MSF doesn't end when you are off the clock. For that reason, this policy applies to both company sponsored social media and personal use as it relates to MSF.

### **What You Should Do:**

**Disclose your Affiliation:** If you talk about work related matters that are within your area of job responsibility you must disclose your affiliation with MSF.

**State That It's YOUR Opinion:** When commenting on the business. Unless authorized to speak on behalf of MSF, you must state that the views expressed are your own. Hourly employees should not speak on behalf of MSF when they are off the clock.

**Honor Our Differences:** Live the values. MSF will not tolerate discrimination (including age, sex, race, color, creed, religion, ethnicity, sexual orientation, gender identity, national origin, citizenship, disability, or marital status or any other legally recognized protected basis under federal, state, or local laws, regulations or ordinances).

### **What You Should Never Disclose:**

**The Numbers:** Non-public financial or operational information; most anything with a dollar-figure attached to it.

**Personal Information:** Never share personal information about our Members.

**Anything that belongs to someone else:** Let them post their own stuff; you stick to posting your own creations. This includes illegal music sharing, copyrighted publications, and all logos or other images that are trademarked by MSF.

**Confidential Information:** Do not publish, post, or release information that is considered confidential or top secret.

**Pictures of Minors:** Do not post pictures of children in your care at work.

**Basically, if you find yourself wondering if you can talk about something you learned at work -- don't. Follow MSF's policies; they're there for a reason.**

**Just in case you are forgetful or ignore the guidelines above, here's what could happen. You could:**

- Get terminated
- Get MSF in legal trouble
- Cost us the ability to get and keep members

***Remember: protect the brand, protect yourself.***

## **Solicitation**

*Effective Date: 1/1/2017*

*Revision Date:*

In an effort to minimize disruptions and maintain a harmonious environment, we prohibit people who are not Mountainside Fitness employees from either soliciting or distributing literature in the workplace at any time for any purpose.

We recognize that our employees are often active and have interest in events and organizations outside work. However, it is also our policy that employees may not solicit for or distribute literature about these activities during working time. (Working time excludes lunch periods, work breaks, or any other time when an employee is not "on duty" or scheduled to be working.)

Following are some examples of the types of solicitation that are not allowed:

- \* The collection of money, goods, or gifts for community groups
- \* The collection of money, goods, or gifts for religious groups
- \* The collection of money, goods, or gifts for political groups
- \* The collection of money, goods, or gifts for charitable groups
- \* The sale of goods, services, or subscriptions outside the scope of official organization business

Posting notices and solicitations on our bulletin boards is also prohibited. The bulletin boards are reserved for official Mountainside Fitness communications on:

- \* Employee announcements
- \* Internal memoranda
- \* Organization announcements



## **Drug and Alcohol Testing**

*Effective Date: 1/1/2017*

*Revision Date:*

The use, possession and distribution of drugs and alcohol pose a serious threat to the safety of employees and the general public.

Mountainside Fitness is concerned with the situations where the use, possession, or distribution of drugs or alcohol affects job performance, the employee's safety or the safety of others.

This policy is intended to provide a safe workplace in addition to ensuring that only safe and alert employees are permitted on public roads and highways. This policy establishes guidelines for consistent handling of alcohol and drug usage situations at your job sites.

### **DRUG AND ALCOHOL POLICY**

An employee who is using prescription drugs or over-the-counter medications that could affect work performance must inform his or her supervisor. A physician's statement may be required at Mountainside Fitness discretion.

#### **A. DEFINITIONS**

A drug is defined as any of the following:

- Any over-the-counter medication
- Any prescribed medication
- Any illegal or unprescribed controlled chemical substance
- Any alcoholic beverage
- Any substance causing adverse physical or mental behavior

Drug-related misconduct includes, but is not limited to:

- Possession of any illegal or unprescribed controlled substance while on company business
- Use of drug(s) while on duty
- Use of drug(s) off premises that adversely affects the employee's work performance, and/or the employee's own or others' safety at work, or conduct jeopardizing the job site (Mountainside Fitness) regard or reputation in the community.

#### **B. DRUG AND ALCOHOL TESTING**

Drug testing of employees is an effective means of identifying those employees who are using illegal drugs or abusing legal drugs or alcohol. Mountainside Fitness, or its insurance carrier, reserves the right to require applicants/employees to submit to drug testing at its sole discretion, including but not limited to the following circumstances:

1. Drug testing of all job applicants after conditional offer of employment has been made.
2. Drug testing following an on-duty accident or incident that results in personal injury or property damage.
3. Drug testing when an on-site supervisor has a reasonable suspicion that the employee is under the influence of or affected by any medication, controlled substance, or alcohol.

4. Drug testing for probable cause following an incident in which safety precautions were violated, unusually careless acts were performed, or inappropriate behavior was observed.
5. Drug testing of all Mountainside Fitness employees will be conducted on a random, on-going basis. Selection of employees for testing will be made by an unrelated independent source.
6. In cases where an applicant or employee has tested positive on their most recent test, or is known to be a "recovering addict", increased frequency of testing may be required as a condition of continued employment.

### C. TESTING COMPONENTS/METHODOLOGY

Testing will be conducted without regard to applicants'/employees' race, religion, national origin, disability, age or sex.

An accredited or certified drug testing facility, which is equipped and trained to perform such tests, will perform drug tests. Urine, breath or blood samples will be taken by personnel at the contracted occupational medical group, hospital emergency room or at designated collection site. All collection sites utilized by MSF employees will be required to follow guidelines issued by U.S. Department of Health and Human Services/Department of Transportation (DHHS/DOT), for forensic collections. Number in lieu of the individual's name to ensure confidentiality will identify these specimens. Refusal to submit a sample is grounds for termination. An employee who cannot or will not submit a sample within (3) hours of being told to do so will be considered to have refused to submit a sample.

The screening procedures may include, but not necessarily be limited to, analysis for any or all of the following prohibited substances and/or classes of prohibited substances:

- Amphetamines (to include Methamphetamine)
- Barbiturates (to include Pentobarbital, Secobarital, Amobarbital, Hexobarbital, etc.)
- Cannabinoids (to include Marijuana and Hashish)
- Cocaine (to include Benzoylconine)
- Methadone (synthetic narcotic)
- Methaqualone (Qualude)
- Opiates (to include Morphine, Heroin, Codeine & Dilaudid & Percodan)

Initial screening will be performed via oral fluid. Confirmations on screened positives will be retested at a lab via urinalysis and performed by Gas Chromatography/Mass Spectrometry (GC/MS).

All cut off levels for urine drug testing will follow guidelines issued by DHHS/DOT, CAP FUDT and the reagent manufacturers.

### D. TEST RESULTS, CONFIDENTIALITY AND RE-TESTS

1. Medical Review Officer (MRO) is a licensed physician who has knowledge of substance abuse disorders.
2. The MRO will assess whether a positive test may have resulted from legitimate medical treatment. The MRO will contact the individual personally and confidentially to discuss the test results. If the MRO determines that an individual with a confirmed positive urine test has a legitimate medical explanation,

then the results of that individual's drug test will be reported to Mountainside Fitness Human Resources Dept. as being negative.

3. The MRO will notify Mountainside Fitness' Human Resources Dept. if the positive test did not result from legitimate medical treatment. Mountainside Fitness will contact the on-site supervisor to coordinate the EAP program for treatment. Only those members of management who absolutely need to know will be made aware of the test results. No MSF reports or test results will appear in the employee's personnel file. Drug results will be locked in a separate employee medical file located at Mountainside Fitness Corporate.
4. Any employee testing positive may request a retest of his/her original specimen by an independent DHHS certified laboratory. The employee will prepay for this testing.

#### E. DISCIPLINARY ACTION

Any violation of this policy by an employee may lead to disciplinary action, including but not limited to, termination. Applicants who violate the policy will not be hired.

Employees with a drug abuse problem are encouraged to immediately seek assistance from the Mountainside Fitness Human Resources Dept. If an employee is terminated for any reason, and subsequently admits drug-related misconduct and agrees to rehabilitative treatment, the discharge will not be rescinded.

#### F. TESTING PROCEDURES

1. Post Offer: All employees will be subject to a post offer drug test. Mountainside Fitness may test any employees assigned to fill job function positions for Mountainside Fitness. Mountainside Fitness Human Resources will facilitate this component of the Mountainside Fitness drug program. If test results come back positive, a medical review may be performed.
2. Post-Accident or Incident: The Supervisor will review the incident report with Mountainside Fitness Human Resources as soon as possible. The Supervisor or Mountainside Fitness Human Resources will escort employee to collection site for drug testing.
3. Reasonable Suspicion: Employees who demonstrate suspicious or unusual behavior(s) such as appearing intoxicated, unexplained tardiness, disappearance from work, and/or absenteeism may be subject to drug testing. Some examples where a supervisor may have reasonable suspicion that an employee is using a controlled substance, drugs or alcohol, include, but are not limited to the following:
  - a. Direct observation of physical symptom
  - b. Pattern of abnormal conduct or erratic behavior.
  - c. Evidence of employee tampering with drug test

Supervisor must consult the Drug Coordinator prior to initiating reasonable suspicion testing, and must document in writing the specific reason(s) for requiring a drug test. The employee must be escorted to the collection site by a supervisor and will be placed on administrative leave without pay. Employees are not compensated for time off due to reasonable suspicion testing if the test results are positive.

4. Random Testing: Mountainside Fitness reserves the right to conduct random testing at its sole discretion.

5. Follow Up Testing:

During EAP treatment the employee will be subject to periodic, unannounced drug testing.

b. Following completion of the EAP treatment, the employee is subject to periodic, unannounced drug testing for a minimum of (1) year. A subsequent positive test or failure to complete the EAP prescribed course of treatment will be grounds for termination.

## **Progressive Discipline**

*Effective Date: 1/1/2017*

*Revision Date:*

This policy describes the policy for administering equitable and consistent discipline for unsatisfactory conduct at Mountainside Fitness. We believe that the best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

We also believe that it is in the best interests of Mountainside Fitness to ensure fair treatment of all employees and make certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory performance in the future.

Although your employment is based on mutual consent and both you and Mountainside Fitness have the right to terminate employment at will, with or without cause or advance notice, Mountainside Fitness may use progressive discipline at its discretion.

Disciplinary action may call for any of five steps --employee counseling, verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

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

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

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both employees and Mountainside Fitness.

## **Problem Resolution**

*Effective Date: 1/1/2017*

*Revision Date:*

Mountainside Fitness is committed to providing the best possible working conditions for our employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from Mountainside Fitness supervisors and management.

Mountainside Fitness strives to ensure fair and honest treatment of all employees. We expect supervisors, managers, and employees to treat each other with mutual respect. We encourage employees to offer positive and constructive criticism to each other.

If you disagree with established rules of conduct, policies, or practices, you can express your concern through the problem resolution procedure.

If a situation occurs when you believe that a condition of employment or a decision affecting you is unjust or inequitable, you are encouraged to make use of the following steps. You may discontinue the procedure at any step.

1. You present the problem to your supervisor within 30 calendar days after the incident occurs. If your supervisor is unavailable or you believe it would be inappropriate to contact that person, you may present the problem to the Human Resources Department or any other member of management.
2. The supervisor responds to the problem during discussion or within calendar 10 days after consulting with appropriate management, when necessary. The supervisor documents the discussion.
3. You present the problem to the Human Resources Department within 15 calendar days if the problem is unresolved.
4. The Human Resources Department counsels and advises you, assists in putting the problem in writing, visits with your managers, if necessary, and conducts a review of the problem.
5. You present the problem to the Sr. Vice President of Human Resources in writing.
6. The Sr. Vice President of Human Resources reviews and considers the problem. They will inform you of the decision within 15 calendar days and forwards a copy of the written response to the Human Resources Department for your file. The Sr. Vice President of Human Resources has full authority to make any adjustment deemed appropriate to resolve the problem.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

## **Staff Dating Members and Other Staff**

Mountainside Fitness does not wish to interfere with personal lives of staff. However, if an employee chooses to engage in a personal relationship with a customer or colleague, said employee is responsible for any consequences associated with the relationship. Should those consequences lead to a negative work environment, employment may be terminated at management's discretion.

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