OLD TRINITY PARTNERS, LLC

EMPLOYEE HANDBOOK

11/1/2011

OLD TRINITY PARTNERS, LLC

Mission Statement

To operate franchise locations of Palm Beach Tan in the highest manner, adhering to the franchisor's standards to be the BEST Provider of Tanning and Tanning Related Services in the WORLD!

What We Care About

OTP wants your job experience to be rewarding and enjoyable. We believe in treating our customers - and one another - with respect. The following items are some of the things that we value most and are committed to as an employer:

- Fair treatment of our associates.
- Valuing the unique differences of our associates.
- Maintaining a harassment-free work environment.
- Providing our associates with a safe, drug-free environment.
- Job-related education/training.
- Delighting our customers with outstanding customer service.
- Encouraging our associates to communicate suggestions and constructive comments at all levels.
- Open communication based on mutual respect.

Important things to keep in mind about this handbook:

- This handbook provides general guidelines only and none of its provisions are contractual in nature. It is not intended to be comprehensive or to cover all possible application of, or exceptions to, the general policies and procedures described. For that reason, if you have specific questions regarding a particular benefit or how a particular policy applies you should address those questions to your Manager.
- Throughout this handbook, Old Trinity Partners, LLC will be referred to as OTP or the Company. OTP operates Palm Beach Tan locations as a franchisee. The information contained in this handbook pertains to all associates, but certain terms of employment may vary depending on which business you work for and whether you are field-based or in the corporate office.
- This handbook is not an employment agreement or contract guaranteeing employment for any specific period of time. Employment with OTP is "at will," meaning that your employment may be terminated at any time, with or without notice or warning, for any reason or no reason, by either OTP or the associate. No one may alter the at-will nature of your employment other than in a written Employment Agreement signed by the CEO of OTP.

Important things to keep in mind about this handbook:

- This handbook replaces and supercedes all earlier OTP personnel practices, policies, and guidelines.
- The policies and procedures found in this associate handbook may change from time to time at the sole discretion of OTP. OTP explicitly reserves the right to change or modify any of the provisions contained in these policies and procedures at any time, with or without advance notice.
- Unless otherwise specified, "Manager" refers to the individual you report to for directions and instructions. Depending on your position with OTP, this person could have the title of "Operations Manager", "General Manager", "Supervisor," "Manager," "Director," "Vice-President," or others. For store associates, "Manager" refers to the Store Manager.

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Welcome to OTP!

We are very happy to welcome you to Old Trinity Partners, LLC. Thank you for joining us! We want you to feel that your association with our company will be a mutually beneficial and pleasant one. You have joined an organization that has established an outstanding reputation for quality products and services. Credit for this goes to every one of our associates. We hope you will find satisfaction and take pride in your work here.

Compensation and personal satisfaction gained from doing a job well are only some of the reasons most people work. Most likely, many other factors count among your reasons for working -- pleasant relationships, working conditions, career development, advancement opportunities, and health benefits are just a few. OTP is committed to doing its part to assure you a satisfying work experience.

Old Trinity Partners, LLC is still a young company, and our organization offers many opportunities for creative, dedicated individuals. Best wishes to you on your career with Old Trinity Partners, LLC. We look forward to the contribution you will make and what we can accomplish together.

We extend to you our personal best wishes for your success and happiness at OTP.

Sincerely,

The Senior Management Team of Old Trinity Partners, LLC

Employment

Employment Classifications

At the time you are hired, you are classified as full-time, part-time, or temporary and are also told whether you qualify for overtime pay. How you and your job are classified will affect your eligibility for some of the benefits contained in this handbook. Unless otherwise specified, the benefits described in this handbook apply only to full-time associates. All policies described in this handbook and communicated by OTP apply to all associates, with the exception of certain wage, salary, and time-off limitations applying only to "non-exempt" (see the definition that follows) associates. If you are unsure of which job classification your position fits into, please ask your Manager.

Regular full-time associate - A full-time associate is one who is classified on the OTP system as a regular full-time associate. A full-time associate should regularly work 35 hours or more per week. Full-time associates meeting length-of-service requirements are eligible for certain benefits.

Regular part-time associate - A part-time associate is one who is classified on the OTP system as a regular part-time associate. A part-time associate should regularly work less than 35 hours per week. Part-time associates are eligible only for certain benefits as specified in this handbook.

Temporary/Seasonal associate - A temporary/seasonal associate is one who is hired for special projects or short-term periods of time. A temporary/seasonal associate may work any number of hours a week. Temporary/seasonal associates are not eligible for associate benefits described in this handbook, except to the extent required by law.

Non-Exempt Associate - An associate who is required to be paid overtime for hours worked in excess of 40 hours per week.

Exempt Associate - An associate who is not required to be paid overtime in accordance with applicable federal and state wage and hour laws. OTP prohibits deductions from exempt associates' compensation except as

allowed by the Fair Labor Standards Act. If an associate is aware of improper deductions from exempt associates' compensation, this concern should be reported immediately to a Manager. All reported or suspected improper deductions from an exempt associate's compensation will be investigated promptly and thoroughly. If the Company determines that an improper deduction was made, it will reimburse the associate promptly for the amount improperly deducted.

Your Associate Records

Keeping your file up-to-date can be important to you with regard to pay, deductions, benefits, and other matters. Associates will be given a packet of new hire paperwork at the time of hiring. This packet will include (at least) an I-9 form, W-4 form and an Authorization for Direct Deposit form. If you have a change in any of the following items during your employment, it is your responsibility to notify a Manager as soon as possible:

- 1. Legal name
- 2. Home address
- 3. Home telephone number
- 4. Person to call in case of emergency
- 5. Number of dependents
- 6. Marital status
- 7. Change of beneficiary
- 8. Exemptions on your W-4 tax form

Coverage or benefits that you and your family may receive under OTP's benefits package could be negatively affected if the information in your file is incorrect.

OTP maintains files on former and current associates through a centralized record-keeping system. Any requests for verifications of your employment must be referred to the People Department.

In general, associates do not have access to information contained in personnel files. This may vary depending on applicable state laws.

Mobility

Your job may dictate travel to another work location. You may sometimes be required to work in another store, department, or location within reasonable traveling distance. In such case, your Manager will advise you of the need to work at another location. In addition, based on business needs you may be permanently re-assigned to a different work location.

Compensation

Your Schedule

The requirements of your job will determine if you have a regular schedule or one that varies each week. If your schedule varies, it will be posted in your location's regular communication area or distributed to you via email. Because schedules may change periodically, it is your responsibility to remain informed of your schedule at all times.

Pay Period & Hours

Bi-Monthly: (24 pay periods per year) Payday is on the 15th and Last Day of every month.

Changes will be made and announced in advance whenever OTP holidays or closings require modification in the normal payday.

Payment of Wages

Paychecks are distributed directly to your primary work location. Paychecks may not be cashed at OTP.

You may be paid by check or through direct deposit of funds to either a savings and/or checking account at your bank of choice (providing the bank offers direct deposit). To activate direct deposit, complete an Authorization for Direct Deposit form, which can be found in your new hire packet or obtained from your Manager.

OTP's policy requires that associate paychecks be given only to the associate personally. Prior written authorization is required in order for another person to pick up your paycheck. OTP retains the discretion to permit or deny these requests. You should avoid discussing your pay with anyone other than your Manager.

Overtime Pay for Non-Exempt Associates

If, occasionally, your work requires working more than 40 hours in a workweek, overtime is subject to the following conditions: (1) YOU ARE NOT PERMITTED TO WORK OVERTIME UNLESS YOU RECEIVE ADVANCE APPROVAL FROM YOUR MANAGER. (2) Non-exempt associates are paid overtime for all time worked in excess of 40 hours per workweek. (3) The overtime rate is one-and-one-half times your regular hourly rate of pay, unless otherwise required by state law.

Time Cards/Records

Timecards are official records that are the basis for calculating hourly, nonexempt pay. Timekeeping is done through our point-of-sale system depending on where you work.

All hourly associates are required to keep the office or store advised of their departures from and returns to the premises during the workday. If you forget to clock in or make an error on your card, your Manager must make the correction on the payroll report and you and your Manager must initial the correction. <u>You are not permitted to clock in more than ten (10)</u> <u>minutes before your scheduled starting time nor more than ten (10) minutes</u> <u>after your scheduled quitting time without your Manager's approval</u>.

No one may record hours worked under someone else's associate number. Clocking in under anyone else's associate number is cause for disciplinary action, up to and including termination, of both associates. Do not alter another person's time record, or influence anyone else to alter your time record. In the event of an error in recording your time, please report the matter to your Manager immediately.

If you are an hourly associate, you will be paid for all time worked. You are prohibited from working "off the clock." If you are ever asked to work "off the clock," you must immediately contact your Manager or your Manager's supervisor.

Store Bonuses

Certain store associates are eligible for a monthly bonus, which is calculated based on the store's performance against specific goals set by management. These goals may include but are not limited to sales, maintenance, operations, customer service, and administrative duties of your store.

Bonuses may not be available to all associates. Periodically the method of calculation, goals, and eligibility requirements may be changed based on sales and store objectives. For current details on bonuses, contact your Operations Manager.

To be eligible for their percentage of the store's monthly bonus an associate must:

- 1. Have been in the bonus eligible position prior to the beginning of the bonus month. A prorated amount may be available depending on the start date.
- 2. Still be employed at PBTI on the date the bonus is distributed.

Eligible store bonuses are paid to eligible associates on the 15^{th} , monthly in arrears for the previous month.

Commissions

Commissions will be paid on certain sales transactions to associates who are eligible for commissions on those transactions. Commissions for field associates are paid on the 15th, monthly in arrears for the previous month's transactions. To be eligible for commissions, associates must still be employed at OTP on the date the commission is distributed.

Periodically, the rates and eligibility requirements may be changed to reflect changes in management direction. Ask your Manager for the details regarding the current commission structure.

Compensation Reviews

Wage and salary increases are based on your performance and assessed potential, not length-of-service or the cost-of-living. Having your compensation reviewed does not necessarily mean that you will be given an increase.

Benefits

The Benefits Package

Your OTP benefits package is an important component of your total compensation. Associates are eligible for the following benefits:

	Full-time	Part-time
Health	Х	
Dental	Х	
Paid Time Off	Х	
Holidays	Х	
Product Discounts	Х	Х
Associate Tanning	Х	Х

These programs may be subject to change. Some are described in the enrollment materials and Summary Plan Descriptions, which are provided separately. Some may be governed by the terms of the actual plans creating the programs.

Time Away From Work

Holidays

We are a service organization and holidays often represent our busiest periods. Depending on the division in which you work, holidays may be a regular part of your work schedule.

OTP will be closed on New Year's Day, Easter Sunday, 4th of July, Thanksgiving Day and Christmas Day. Any other holiday closures will be decided and announced on a monthly basis.

Paid Time-Off Program (PTO) for Full-time Associates

OTP believes that associates should have opportunities to enjoy time away from work to help balance their lives. We recognize that associates have diverse needs for time off from work and have established this Paid Time Off (PTO) policy to meet your needs. The benefits of PTO are that it promotes a flexible approach to time off. Associates are accountable and responsible for managing their own PTO to allow adequate reserves for vacation, illness, appointments, holidays that are not observed by the Company, emergencies, or other needs that require time off from work. Full-time associates are eligible for participation in the PTO program following the completion of 6 months of service. After 6 months, full-time associates will receive 2 PTO days and will begin to accrue PTO days monthly, at a rate of 1 day per month. Benefit-eligible associates must maintain an average of 35 hours or more per week. Part-time and temporary/seasonal employees are not eligible for PTO. PTO can only be taken after it is earned and cannot be taken in less than 1 day increments.

Because of the seasonality of our business, OTP has implemented restrictions regarding the use of PTO. During the period of February 1 to June 30, associates may not use more than 2 PTO days in a row or more than 3 PTO days cumulatively.

PTO can be rolled over to the next calendar year, but the amount that can be rolled over is limited to 3 days.

Associates should give their direct Supervisor as much notice as possible for planned PTO days. Planned PTO is subject to approval and may be denied if staffing needs cannot be scheduled appropriately during the requested PTO period.

Sick Days for Part-Time Associates

Associates are entitled to up to 5 unpaid sick days in any given calendar year. Associates must give their Manager as much notice as possible so that scheduling needs may be changed. Additional requests for sick days will be considered on a case by case basis by a Manager. Abuse of this policy may result in corrective action up to and including termination.

Bereavement

In the event of death in your immediate family, time may be needed, up to three (3) working days, with pay, to handle family affairs and attend the funeral. Immediate family is defined as current spouse, children, parents, grandparents, brothers, sisters, mother-in-law, or father-in-law. To determine eligibility, please contact the People Department for explanation of our policy.

Jury Duty

So that you may serve on a jury without loss of earnings, OTP will pay your normal earnings, up to ten (10) days, when such hours coincide with regular scheduled working hours. Please contact your Manager promptly after receiving notification to appear in order to determine eligibility. Proper documentation must be submitted to a Manager in order to be paid for jury duty.

Workers' Compensation

You may be eligible for workers' compensation benefits when an injury or sickness results from your employment. Workers' compensation pays for your hospital and medical expenses. In addition, after a brief waiting period, if you are unable to work, workers' compensation pays you disability income in amounts set by state law. State laws and guidelines determine whether you qualify for and the amount of workers' compensation benefits.

If you are injured while working or if you develop an illness associated with your work, you are to report your injury or illness to the People Department immediately, or as soon as you are physically able to do so. Your failure to report your injury or illness promptly may jeopardize your right to workers' compensation benefits and could result in disciplinary action up to and including termination.

Information about workers' compensation rights and benefits is posted in every work location.

Leaves of Absence

A leave of absence without pay may be granted by law and/or at the Company's discretion to eligible associates to maintain continuity of service in instances where unusual or unavoidable circumstances require a prolonged absence. A General Manager must approve a requested leave of absence in excess of one (1) week. FMLA (Family Medical Leave Act) forms are given to the associate if necessary. For leave other than the types listed herein, including time off to vote, provide as much notice as possible and contact a Manager regarding your request.

Any associate who for any reason including but not limited to any illness or work-related injury is unable to return to work after a three-month leave of absence, will be removed from the Company's payroll. Such removal is not considered to be disciplinary in nature. Upon being released to return to work, the associate may re-apply for employment.

Family and Medical Leave Act

In accordance with the Federal Family and Medical Leave Act (FMLA), eligible associates may be granted a maximum of 12 weeks of unpaid leave within a rolling 12-month period for the following reasons:

- After the birth or placement of a child for adoption or foster care (leave must be within 12 months of the birth or placement of the child).
- To care for a child, spouse, or parent who has a serious health condition.
- Because of your own serious health condition.

The 12-month rolling period is the 12-month period immediately prior to the request. To be eligible for this leave, you must have been employed by OTP for 12 months and have worked at least 1,250 hours in the previous 12-month period. In addition, associates must work in a location where there are at least 50 associates within a 75-mile radius. FMLA leave may be taken in blocks of time or as intermittent or reduced schedule leave. Where state law has different requirements, OTP will comply with them.

In some instances, OTP may require or you may elect to apply your PTO to leave under this policy. A PTO benefit used during FMLA leave is provided in the same manner and under the same conditions as it is when used separate from FMLA leave.

If an associate is off work due to a work-related injury or a work-related illness, which also qualifies as a "serious health condition" under the FMLA, the associate may not elect and OTP may not require the associate to use PTO benefits while receiving benefits under workers' compensation. However, when an associate is off work due to a work-related injury or work-related illness, which also qualifies as a "serious health condition" under the FMLA, the associate's time off under workers' compensation will also count as time off under the FMLA.

If you and your spouse both are associates of OTP, the total number of workweeks of leave you both may take is limited, in some instances, to 12 workweeks during the rolling 12-month period.

No statement in this handbook is intended to conflict with your rights or OTP's obligations under the Family and Medical Leave Act. If there is a conflict, the provisions of the Family and Medical Leave Act will control.

For complete information about your rights and obligations under this policy, talk with a Manager or review the information about the Family and Medical Leave Act posted in all OTP locations.

Military Service

You are eligible for military leave if you are called to active military duty or to Reserve or National Guard training, or if you volunteer for such duty or training. While you are on military leave, you will receive your regular pay or salary for the time you are away from work, up to a maximum of two (2) weeks of pay in a calendar year.

Submit copies of your military orders to the People Department to qualify for military leave, as required by applicable state and federal laws.

You are eligible for re-employment following completion of your military duty or training, according to applicable state and federal laws.

Other Benefits

Group Insurance

OTP is interested in the health and well being of both you and your family. A comprehensive health insurance program is available for eligible associates and their families. We provide group insurance underwritten by a national insurance carrier. Certain waiting periods apply; you will be provided additional information on group insurance at the time of hire.

Associate Tanning & Discounts

Store Managers, Assistant Managers, Shift Leaders, and Customer Service Representatives are allowed to tan in any bed at all locations. Sunless sessions are free to all associates.

Employee tanning in any bed or sunless equipment is dependent upon customer demand and secondary to customer usage. No customer should ever be forced to wait because of an employee. No employee may tan in any bed or sunless equipment while on the clock.

Product Discounts

Employees are allowed to purchase lotion products at a 50% discount. All associate purchases must be rung-up by a Manager. Employees may not purchase products for resale. Reselling of lotions by associates constitutes immediate grounds for termination. All employee purchases where the employee discount is used must be approved by a Manager.

This discounted price is available to associates only, for items intended solely for use by the employee or the employee's immediate family.

Company Guidelines

Equal Employment Opportunity

OTP provides equal employment opportunities to all associates and applicants for employment, without regard to race, color, religion, creed, gender, national origin, age, marital or veteran status, sexual orientation, the presence of handicaps or disabilities, or any other basis protected by law.

In addition, this policy of equal opportunity applies to all terms and conditions of employment. This includes, but is not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The Company will not discriminate against any qualified associate or applicant because of a physical or mental disability or genuine religious belief or practice. OTP will reasonably accommodate affected associates or applicants who are otherwise qualified to perform the essential functions of the job safely, unless it would create an undue hardship. As with any other condition or status protected by law, should you require an accommodation, contact a People Department representative. Applicants and associates are assured all information regarding their disability or religious belief or practice will be kept completely confidential except (1) supervisors may be informed regarding restrictions on work or duties and accommodations that have been made; (2) if a medical condition requires emergency treatment, first aid and safety personnel may be informed; and (3) government officials investigating compliance with state and federal laws may be informed. All associates with responsibilities requiring knowledge of an associate or applicant's disability or religious belief or practice are instructed to treat such information as confidential.

Drug-Free Workplace

It is the goal of OTP to provide a safe and drug-free work environment for our associates and our customers. With this goal in mind and because of the serious safety and performance consequences of drug abuse in the workplace, we are establishing the following policy for current and future associates of OTP. OTP explicitly prohibits:

- The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on Company or customer premises or while performing an assignment.
- Being impaired or under the influence of legal or illegal drugs or alcohol away from OTP premises, if such impairment or influence adversely affects the associate's work performance or the safety of the associate or of others, or puts at risk OTP's reputation.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from OTP, if such activity or involvement adversely affects the associate's work performance or the safety of the associate or of others, or puts at risk OTP's reputation.
- The presence of any detectable amount of any prohibited substance in the associate's system while at work, while on OTP premises, or while on OTP business. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the associate.
- Tampering with drug and alcohol test procedures or results.

OTP is committed to enforcing a drug screening policy to encourage and promote a drug free workplace. OTP will conduct mandatory, confidential drug/alcohol and criminal background screening under the following circumstances:

- 1. Pre-employment;
- 2. Pre-promotion;
- 3. Post accident;
- 4. For cause;
- 5. Reasonable suspicion; and
- 6. Random testing.

OTP reserves the right to enforce this policy by conducting unannounced searches of personal property as well as OTP offices, desks, and other property for illicit or otherwise prohibited substances on OTP property. Refusal to submit to a drug and/or alcohol test or search will result in disciplinary action up to and including termination. A discovery of illegal, unlawful, or otherwise prohibited substance may result in immediate termination.

Note: An associate's criminal conviction for drug-related charges while employed may result in corrective action up to and including termination.

Conflict Resolution

Whenever you have a problem or complaint, we expect you to speak up and communicate directly with us. You can take the following steps:

- 1. First, talk to your immediate Manager or Supervisor. Your Manager is most familiar with you and your job and is, therefore, in the best position to assist you. Your Manager works closely with you, and is interested in seeing that you are treated fairly and properly.
- 2. If your Manager cannot help you resolve the matter, you can speak to the next level Manager who will give your problem or complaint prompt consideration.

Remember -- it is always best to resolve problems right away. Little problems tend to turn into big problems; facts become confused; resentment and anger build up. It is always best to get things off your chest before they get out of hand. For reports of harassment, discrimination, or inappropriate conduct, utilize the specific reporting policy contained in this handbook.

Smoking and Tobacco

OTP has adopted the following Smoking and Tobacco Policy to protect the health and safety of all its associates and customers:

Smoking and the use of tobacco products including smokeless tobacco are not allowed in any OTP store location.

At no time will an associate leave the store unattended in order to use tobacco products. Doing so will result in immediate termination.

Smoking is prohibited in front of all store locations. The designated smoking area is located outside the back door of every location. Do not litter; dispose of your cigarette butts or other waste products properly. For safety purposes, associates working in store locations should not utilize the back exit after dark when they are working alone. An associate found smoking or using tobacco in a prohibited area may be subject to disciplinary action, up to and including termination.

Dress Code/Personal Appearance

A neat, tasteful appearance contributes to the positive impression you make on our customers. We expect you to be suitably dressed and groomed during working hours or when you are representing OTP. A good clean appearance bolsters your own poise and self-confidence and greatly enhances our company image. For this reason we have established a dress code at OTP which is outlined below:

Store Associates:

<u>Store Managers, Assistant Managers, Managers in Training, and Shift</u> <u>Leaders</u>

- Company-provided shirt (approved for Management) with PBT and/or Mystic Tan logos
- Name Badge

Customer Service Representatives

• PBT tee-shirt

All Associates

- Hemmed shorts: khaki, navy, black, or white (solid colors only and must not be more than 6 inches above knee)
- Slacks: khaki, navy, black, or white (solid colors only); Capri pants are acceptable
- Caps: PBT and/or Mystic Tan logos only (worn with bill facing forward)
- Shoes: shoes must cover the entire foot (no sandals or mules)
- Men and women may wear up to 2 earrings per ear (no dangling earrings); no plugs over 12 gauge allowed
- No facial jewelry (including tongue piercing)
- Tattoos larger than the palm of your hand OR that are offensive in nature (of a sexual, racial, or other discriminatory theme) must be covered either with clothing or with a bandage
- Non-company-provided cell phones or pagers may not be worn/carried

During the colder months, a PBT logo sweatshirt or jacket may be worn, provided the required uniform shirt is worn underneath to be in compliance with this policy.

Personal appearance should be a matter of concern for each associate. All clothing must be clean, pressed, and neatly maintained at all times.

If your Manager feels your attire is out of place, you may be asked to leave your workplace until you are properly attired. You will not be paid for the time you are off the job for this purpose. Employees failing to comply with these standards of dress and appearance are subject to disciplinary action up to and including termination.

Associate Parking

Associates are expected to follow appropriate shopping center guidelines for parking. Associates should park in designated employee parking areas or, if such an area is not designated, should make every effort to park in an area that will not impede customer parking. IF AN ASSOCIATE WILL BE WORKING A SHIFT WHERE THEY ARRIVE OR DEPART WHILE IT IS DARK OUTSIDE THEN THAT EMPLOYEE WILL PARK A SAFE DISTANCE FROM THE STORE IN WELL LIT AREA OF THE PARKING AREA REGARDLESS OF A DESIGNATED EMPLOYEE PARKING AREA.

Confidential Information

Confidentiality is critical. Your work may often concern the private business of OTP, its customers, or current or former co-workers. "Confidential" information may include, but is not limited to, information contained in or related to the customer database, personnel files, marketing and business plans, financial information, product specifications, trade secrets, etc. If you release confidential information to anyone inside or outside the organization without proper authorization, you will be subject to disciplinary action up to and including termination. To further protect the confidentiality of our records any paperwork that includes credit card information, addresses, social security numbers or company financial or customer data should be shredded rather than discarded in the trash.

Zero Tolerance Harassment/Discrimination/Inappropriate Behavior

OTP is committed to maintaining a harassment-free work environment in which associates at all levels of the Company are able to devote their full attention and best efforts to the job. Harassment, discrimination, or other inappropriate conduct, whether intentional or unintentional, has no place at OTP. All OTP associates are responsible for respecting the rights of their co-workers. Accordingly, the Company does not authorize and will not tolerate any form of harassment or discrimination against or by any associate or customer based on race, gender, religion, color, national origin, veteran status, sexual orientation, marital status, disability, or any other basis proscribed by applicable law. This policy applies with equal force to conduct occurring in, but not limited to, OTP stores and property and any work-related setting outside the store or office, as well as during business trips, business meetings, and/or business-related social events.

In order for OTP to investigate and remedy concerns of inappropriate behavior, all incidents must be reported immediately. There are two reporting options available to any associate who experiences, observes, or becomes aware of any job-related harassment, discrimination or inappropriate conduct, no matter how small. The options are:

- Report the incident to your Manager, or
- Bypass the Manager and report the incident directly to the General Manager.

No matter how a complaint or allegation is reported, the Company will investigate all reports thoroughly and promptly. To the extent possible, OTP will keep the identity of the reporting associate confidential. However, under certain circumstances, OTP may need to disclose the reporting associate's identity (for example, to investigate the report thoroughly). OTP will not tolerate retaliation in any form against an associate who makes a report.

Gifts and Gratuities

Except for promotional items (with OTP logo), such as promotional calendars, tee-shirts, coffee mugs, pens, key chains, etc., associates may not solicit or accept for themselves or for others, including members of their families, whether directly or indirectly, any gifts, gratuities (rewards), favors, loans, or preferential treatment with a value in excess of \$100 from organizations, individuals, or customers who do, or seek to do, business with OTP unless authorized in advance by senior management.

Employment of Relatives and Workplace Relationships

OTP hires qualified relatives of associates if the employment does not create an actual or perceived conflict of interest. No relatives will work together in a supervisory/subordinate role or as co-workers in the same department. For purposes of this policy, "relative" means the following persons related to an associate by blood or by law: a spouse, child, parent, brother, sister, aunt, uncle, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, or father-in-law. Also, for purposes of this policy, "relative" means domestic partner, that is an individual with whom an associate is cohabiting. It also means the following persons related to the domestic partner by blood or by law: a child, parent, brother, sister, aunt, uncle, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, or father-in-law.

OTP encourages positive working relationships among its associates, especially between supervisors and their direct reports. Sometimes these relationships also involve socializing or fraternization inside and outside of the workplace. These activities can build better communication and trust between associates and supervisors, but they also can result in actual or perceived favoritism and moral and other problems for the work group.

For this reason, OTP prohibits all supervisors from dating or living with an associate who reports directly or indirectly to the supervisor. Living with includes non-romantic roommate situations.

When associates working in the same department/store become romantically involved, begin cohabiting, or marry, OTP first will attempt to offer comparable employment in another department/store to one of the individuals. If comparable employment is not available, OTP will terminate the employment of one of the associates.

Ethical Guidelines

OTP is dedicated to serving its customers, clients, and the public with the highest ethical standards. Gaining and keeping the trust and goodwill of our customers and the public is our highest goal.

Each associate of OTP is an ambassador to our clients and to the public. It is important that in performing your duties and representing this organization, you always do so honestly, fairly, legally, and ethically. This means you will put the interests of customers, clients, and the public before your own. You will deal with co-workers, customers, clients, and members of the public cheerfully and with respect.

Unacceptable Activities

Generally speaking, we expect each person to act in a mature and responsible way at all times. However, to avoid any possible confusion, some of the more obvious unacceptable activities are noted below. Your avoidance of these activities will be to your benefit as well as the benefit of OTP. If you have any questions concerning any work rule or any of the unacceptable activities listed, please see your Manager for an explanation.

Occurrences of any of the following violations, because of their seriousness, may result in immediate termination without warning:

- Violation of OTP's Zero Tolerance Harassment/Discrimination/ Inappropriate Behavior policy.
- Willful violation of any Company policy or any deliberate action that is extreme in nature and is detrimental to OTP's efforts to operate profitably.
- Violation of OTP's Drug-Free Workplace policy.
- Violation of OTP's Workplace Violence policy or Concealed Weapons policy.
- Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on Company premises, while on duty, at any Company event, or when representing OTP; fighting or horseplay or provoking a fight on Company property, while on duty, at any Company event, or negligent damage of property.
- Insubordination or refusing to obey instructions properly issued by your Manager pertaining to your work; refusal to help out on a special assignment.
- Threatening, intimidating, or coercing fellow associates on or off the premises -- at any time, for any purpose.
- Engaging in an act of sabotage; willfully or with gross negligence causing the destruction or damage of Company property, or the property of fellow associates, customers, suppliers, or visitors in any manner.
- Theft of Company property or the property of fellow associates or customers; unauthorized possession or removal of any Company

property, including documents, from the premises without prior permission from management; unauthorized use of Company equipment or property for personal reasons; using Company equipment for personal profit.

- Providing a service or product to a customer at no charge without a valid business reason (i.e. tanning friends, relatives, etc.).
- Charging a customer for a product or service and not entering it as a sale in the store's point-of-sale system (computer).
- Using an associate number other than your own to enter a computer transaction.
- Dishonesty; willful falsification or misrepresentation on your application for employment or other work records; lying about sick or personal leave; falsifying reason for a leave of absence or other data requested by OTP; alteration of Company records or other Company documents; falsifying time records or working "off the clock"; falsely inflating reports or production numbers.
- Violating the non-disclosure agreement; giving confidential or proprietary OTP information to competitors or others including to unauthorized OTP associates; working for a competing business while a OTP associate; breach of confidentiality of personnel information.
- Malicious gossip and/or spreading rumors; engaging in behavior designed to create or having the effect of creating discord and lack of harmony; interfering with another associate on the job; willfully restricting work output or encouraging others to do the same.
- Immoral conduct or indecency.
- Conducting a lottery or gambling on Company premises.
- Any act of harassment, whether sexual, racial, or other; telling sexist or racial-type jokes; making jokes about race, ethnicity, or sexual orientation.
- Actions that create an offensive or hostile environment for associates or customers.
- "Borrowing" from a cash drawer or other Company funds.
- Failure to secure Company assets (failure to lock doors, safes, set alarms, etc.).
- Leaving a location unattended while on the clock.
- Fraudulent or deceptive behavior.
- Improper use of communication and information systems.
- Fraudulent or unauthorized use of Company charge accounts.

- Any behavior or actions that may reflect negatively on OTP regardless of whether they occur at work.
- Violation of any state, local, or federal law.

Occurrences of any of the following activities, as well as violations of any OTP rules or policies, may be subject to disciplinary action, up to and including termination without warning.

- Unsatisfactory or careless work; failure to meet quality standards as explained to you by your Manager; mistakes due to carelessness or failure to get necessary instructions.
- Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of your Manager.
- Sleeping on the job.
- Chewing gum.
- Excessive use of Company telephone for personal calls. Use of Company telephones for long distance calls.
- Use of personal cellular phones, personal computers, etc. on Company premises.
- Leaving the office or store during your work hours without the permission of your Manager, or if a Store Manager, without permission of your District Manager.
- Smoking in restricted areas or at non-designated times, as specified by Company policy.
- Creating or contributing to unsanitary conditions.
- Posting, removing, or altering notices on any bulletin board on Company property without permission of an officer of OTP.
- Failure to report an absence or late arrival; excessive absence or tardiness.
- Obscene or abusive language toward any customer or co-worker; indifference or rudeness towards a customer or co-worker; any disorderly/antagonistic conduct on Company premises.
- Soliciting during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during business hours, or at a time or place that interferes with the work of another associate on Company premises.
- Failure to maintain a neat and clean appearance in terms of the standards established by the Company; any departure from accepted

conventional modes of dress or personal grooming; wearing improper or unsafe clothing.

- Eating food and beverages in undesignated areas.
- Negligence in observing prevention and safety rules.

These lists are not all-inclusive. All associates remain employed "at will."

Disciplinary Actions - Progressive Corrective Action

OTP believes associates should have an opportunity to correct performance deficiencies and/or unacceptable behavior, whenever appropriate. Our Progressive Corrective Action policy strives to provide a consistent approach to addressing performance problems, while taking into consideration the nature of the policy violation as well as the previous disciplinary actions for each individual.

The seriousness and history of a performance violation must be taken into account when administering disciplinary action. Our Progressive Corrective Action policy normally involves the following progression of corrective actions:

- 1. Verbal Warning
- 2. Written Warning
- 3. Dismissal

There are circumstances, however, where the progression may be accelerated, or immediate termination is warranted without warning. This policy in no way alters the at-will nature of your employment with OTP.

Dependability

In order for the business to run efficiently we need all of our associates to be dependable, reliable, and flexible. Therefore, it is essential that your attendance and punctuality are of a high standard. When you are absent, you should contact your Manager before the beginning of your shift, giving your Manager as many hours notice as possible to find a replacement for you or to redistribute the workload. In addition, you must notify your Manager each and every day you are absent (unless you are on an approved leave of absence or approved PTO). Your Manager can give you more details on the specific attendance policies in your work group. Absence from work for three (3) consecutive scheduled days without notifying your Manager will be considered a voluntary resignation.

Excessive Absenteeism or Tardiness

In general, three (3) absences in less than a 90-day period, or a consistent pattern of absences, will be considered excessive, and the reasons for the absences may come under question. Tardiness or leaving early is as detrimental to OTP as an absence. Three (3) such incidents in a 90-day period will be considered a "tardiness pattern" and will carry the same weight as an absenteeism problem. Other factors, like the degree of tardiness, may be considered.

A pattern of absenteeism, lateness, or leaving early may lead to disciplinary action, up to and including termination without warning.

Bulletin Boards/Solicitations & Distributions

Bulletins and bulletin board(s) are our "official" way of keeping everyone informed about new policies, changes in procedures, and special events. Information of general interest is posted regularly on the store bulletin board. Please form the habit of reading the bulletin board regularly so that you will be familiar with the information posted on it. You are responsible for being aware of all such information.

Only authorized personnel are permitted to post, remove, or alter any notice on the bulletin board. If you want to have notices posted on a OTP bulletin board, see your Manager for instructions.

Solicitation for any cause during working time and in working areas is not permitted. You are not permitted to distribute non-company literature in work areas at any time during working time. Associates are not permitted to sell chances, merchandise, or otherwise solicit money or contributions without management approval. This includes posting flyers or order forms on facility windows, counters, break rooms, or bulletin boards and circulating solicitations via e-mail, screensavers, or in person. Persons not employed by OTP are prohibited from soliciting or distributing literature on company property.

Expense Reimbursement

You must have written authorization from the Operations Manager or General Manager (requisition/purchase order, etc.) prior to incurring an expense on behalf of OTP. To be reimbursed for all authorized expenses, you must submit an expense report/voucher accompanied by receipts and approved by your management. Please submit your expense report as you incur authorized reimbursable expenses.

Use of Personal Vehicle

Using a personal vehicle for company business is completely voluntary and requires a manager's approval prior to use. OTP does not provide insurance coverage for any of its associates who use their personal vehicles for business related purposes and OTP assumes no responsibility beyond mileage reimbursement. All associates are legally liable for any moving violations or damage to their vehicles. Any associate who uses their personal vehicle for company business must have a valid Driver's License and maintain and have proof of the minimum insurance coverage required by law.

Appropriate use of Business Systems

OTP makes every effort to provide the best available technology to those performing services for the Company. In this regard, OTP has installed equipment such as computers, electronic mail, and voice mail. This policy is to advise employees using our business equipment on the subject of access to and disclosure of computer-stored information, voice mail messages, and electronic mail messages created, sent, or received by OTP's employees with the use of Company or client equipment.

Employees must not leave computer terminals unattended for a prolonged period of time while logged on. Set up a secure password-protected screen saver, or log off of a computer before leaving. Employees should not share their user name and passwords with others.

Company property, including computers, POS system, electronic mail, and voice mail, should be used only for conducting Company business. Any incidental personal information and messages stored in Company computers, voice mail, and electronic mail systems will be treated no differently from other business-related information and messages, as described below. Communications and data transmitted across any electronic mail system can be legally used by, and determined the legal property of, the organization that owns the system. OTP communications may contain proprietary information, and it is the responsibility of every associate to take precautions to prevent these communications from being accessed by unauthorized personnel or outside parties.

The use of the electronic mail system (including the Sunlync POS system) may not be used to solicit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations. Furthermore, the electronic mail system (including Sunlync POS system) is not to be used to create any offensive or disruptive messages. Among those that are considered offensive are any messages that contain sexual implications, profane language, racial slurs, gender-specific comments, or any other comments that offensively address someone's age, sexual orientation, religious or political beliefs, national origin, or disability. In addition, the electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

OTP has the right to monitor voice mail or electronic mail messages. The Company will inspect the contents of computers, voice mail, and/or electronic mail in the course of an investigation triggered by indications of unacceptable behavior or as necessary to locate needed information. All Company equipment and the information and messages contained therein are subject to search at any time.

The contents of computer files, voice mail, and electronic mail must be treated as confidential by other employees and <u>accessed only by the intended recipient</u>. A OTP executive or a Manager must be contacted and will review any request for access to the contents of another individual's computer, voice mail, or electronic mail <u>prior to access being made without the individual's consent</u>.

Any employee who violates this policy or uses the electronic communication systems for improper purposes may be subject to disciplinary action, up to and including termination.

Internet Usage and Personal Websites

Internet access is provided for business use and is to be used for the purpose of performing work on behalf of the Company. The Company reserves the right to monitor Internet usage including websites accessed and information downloaded. Deletion of information does not necessarily remove it from the computer system. Use of Company equipment to access websites containing adult material, gambling, or any other non-Company business will result in serious disciplinary action up to and including termination of employment. The Company does not provide or allow hosting of employees' personal web sites.

Information Security

The protection of OTP proprietary information is as important as the protection of our people and physical company property. How do we identify information that needs protection?

Proprietary information is information that a company considers important to its competitive position in the marketplace. If disclosed, this information could cause serious damage to company operations. Serious damage means a major negative impact on the sales, profits, equity, or reputation of the Company. Examples of proprietary information include financial statements, marketing plans, personnel records, company phone lists, and intellectual property.

Intellectual property is the collective knowledge, skills, and experience of the Company's employees and the intangible/intellectual products that result from it. Examples include product designs, product technical data, management guidance, operational databases, operational processes, technical databases, staff knowledge, and computer software.

It is important that we protect proprietary information.

Cell Phone Policy

While at work associates are expected to exercise the same discretion in using personal cellular phones as is expected for the use of company phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with associate productivity and may result in corrective action up to and including termination.

The Company prohibits associate possession or use of cameras or cameraequipped phones in public areas of Palm Beach Tan store locations. Photos may be taken in these areas only with the express permission of the senior executive responsible for the business area. While the Company does not wish to constrain the use of such devices unreasonably, the Company has a more fundamental responsibility to ensure that they are used in a reasonable manner and to ensure the integrity of proprietary information as well as the privacy of our customers and associates.

Associates whose job responsibilities include regular or occasional driving and who are issued a cell phone for business are required to use hands-free options, and are strongly encouraged to pull over before placing or accepting calls. Safety must come before all other concerns. Special care should be taken in situations where there is traffic or inclement weather, or where the associate is driving in an unfamiliar area. In situations where job responsibilities include regular driving and accepting of business calls, handsfree equipment will be provided to facilitate the provisions of this policy and must be utilized.

Associates whose job responsibilities do not specifically include driving, but who are issued a cell phone for business use, also are expected to abide by the provisions above. Under no circumstances are associates allowed to place themselves or others at risk to fulfill business needs.

Associates who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. Associates are expected to comply with all applicable local, state, and federal laws.

General Rules:

1. Personal camera phones, including camera-equipped devices, belonging to store associates are not permitted in public areas of the store premises. While at work, associates should keep such devices locked in their personal vehicles or kept in the employee office area at all times. The Company is not responsible for loss of a personal cell phone. Periodically, store associates will be given the opportunity to check messages as business needs permit.

2. No camera-equipped devices are to be taken into any company restroom, or any room containing tanning equipment.

3. Personal cell phones should not be present in the sales area at any time.

4. Associates in possession of Company equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the associate may be asked to produce the phone for return.

5. The Company prohibits the use of any type of photographs, video coverage, taping, and/or recording on the store premises, parking lots, and the front or back of the store. Video posting on any website containing Palm Beach Tan related materials, including but not limited to; logo items, uniforms, is prohibited. Posting of these materials, associate participation and/or knowledge is subject to disciplinary action up to an including termination. If you are aware of activity of this nature, you must contact your Manager immediately.

Violation of this Cell Phone Policy may result in corrective action up to and including termination.

Job Posting and Promotion Policy

Promotion from within is an important part of recognizing and rewarding capable associates. Associates who meet the qualifications for job vacancies may receive consideration for promotion.

If you feel that you are qualified to perform a posted job, you are encouraged to speak with a Manager.

An associate who wishes to apply for a posted job opening must meet the qualifications for the position and must have a record of satisfactory work performance.

There are occasions, however, when it becomes necessary to consider and to select job candidates from outside the current work force. For example,

there are times when a position requires specific skills that are not available in our current work force.

Performance Reviews

OTP believes in giving its employees all the tools necessary to succeed. To that end, full-time associates will have performance reviews with a supervisor at least every 6 months or when deemed necessary. These reviews are meant to encourage a dialogue between an associate and their Manager so that an associate can learn new skills and be congratulated for job performance. These reviews will cover areas and skills that are important for job performance. They will highlight areas where an associate is excelling and address any areas where an associate may need improvement. These reviews will become part of an associate's employee file and a copy will be provided to the associate after the review is performed.

Part-time associates will receive performance reviews from their Manager on an as needed basis.

Security

Maintaining the security of OTP buildings and vehicles is every associate's responsibility. Develop habits that insure security as a matter of course. For example:

- 4. Always keep cash properly secured. If you are aware that cash is stored insecurely, immediately inform the person responsible.
- 5. Know the location of all alarms and fire extinguishers, and familiarize yourself with the proper procedure for using them, should the need arise.
- 6. When you leave OTP's premises make sure that all entrances are properly locked and secured.

Building Keys

As a normal course of business, OTP will issue keys to certain associates on an as needed basis. No associate is permitted to duplicate any key to OTP's store or office locations. Keys are not to be loaned to any other person at any time for any reason. Violation of either of these points will result in immediate termination. Any lost keys must be reported immediately to a manager. If the associate is found to be negligent, the associate may be responsible for the cost of retooling the store locks and replacing all keys. All keys must be returned immediately upon termination of employment.

Theft

Internal theft can be a serious problem for any company. Although taking small items of OTP property may seem inconsequential, the cumulative effect can be very large. Property theft of any type will not be tolerated by OTP. We consider property theft to be the unauthorized use of Company services or facilities or the taking of any Company property for personal use or distribution.

Unauthorized possession or removal of Company property is a very serious offense. Associates violating this policy will be subjected to discipline up to and including possible dismissal and prosecution. If you are dismissed because of unauthorized possession or removal of Company property, the reason for your dismissal may be provided to any future employer that contacts OTP. Referrals to criminal authorities will be made on a case-by-case basis.

Shoplifting and Robbery

UNDER NO CIRCUMSTANCES IS AN EMPLOYEE TO ATTEMPT TO APPREHEND OR DISARM A SHOPLIFTING OR ROBBERY SUSPECT.

In the event of a suspected shoplifting incident, an employee should notify their manager of the date and time of the event as well as what they believe was taken from the store. Management will handle documenting the event and contacting the proper authorities.

In the event of a robbery make every effort to remain calm. Assume the robber has a weapon and follow the robber's directions. An employee should not do anything to jeopardize their own or anyone else's safety. Once the robber leaves, no attempt should be made to follow them. The employee should immediately lock the doors and call the police. If necessary ask for an ambulance as well. Do not allow anyone to leave or enter the building until the police arrive. Contact the manager as soon as possible after following the guidelines above.

Accidents or Injury

No matter how insignificant an on-the-job injury may seem when it occurs, you are required to notify your Manager immediately.

Workplace Violence

OTP has a zero tolerance policy for violence in the workplace. "Workplace violence" is defined to include:

- 1. Physically aggressive, violent, or threatening behavior, such as attempts to instill fear in others or intimidation;
- 2. Verbal or physical threats of any sort;
- 3. Any other conduct that suggests a tendency toward violent behavior. Such behavior includes, but is not limited to, excessive arguing, profanity, threats of sabotage of OTP property, belligerent speech, or a demonstrated pattern of insubordination and refusal to follow Company policies and procedures;
- 4. Causing physical damage to OTP's facilities or defacing Company property; or
- 5. With the exception of OTP security personnel, possessing firearms, weapons, or explosives of any type or kind on OTP premises, in OTP parking lots, while conducting OTP business, at any OTP event, or when representing OTP.

If any OTP associate becomes aware of or observes any of the abovereferenced behavior or actions by a co-worker, consultant, customer, third party vendor, visitor, or any other party, he or she should notify his/her supervisor, any member of management, the People Department, and/or the police immediately. Associates should notify the People Department if they are aware of any restraining orders that are in effect, or of the existence of any other situation, whether work-related or not, with the potential to erupt into workplace violence.

All reports of violence in the OTP workplace will be taken seriously and will be investigated thoroughly and promptly. To the extent possible, OTP will keep the identity of the reporting associate confidential. However, under certain circumstances, OTP may need to disclose the reporting associate's identity (for example, to protect that individual's safety). OTP will not tolerate retaliation in any form against an associate who makes a report of workplace violence.

If, after a thorough investigation, OTP determines that workplace violence has occurred, appropriate corrective action will be taken, and discipline will be imposed on the offending associate(s). The level of appropriate discipline will depend on the facts in each case and may include oral or written warnings, reassignment of responsibilities, probation, suspension, or termination.

Concealed Weapons

OTP prohibits all job applicants, associates, contractors, subcontractors, vendors, agents, and representatives from possessing, using, concealing, carrying, or maintaining a concealed weapon or handgun on OTP's premises. Such premises include any portion of the building in which PBT is housed, any private or public driveway, parking lot, sidewalk, street, parking garage, or any other parking area used in connection with OTP's business, and any vehicle used, owned, or leased by OTP. OTP also prohibits the carrying of a weapon or concealed handgun on your person or property while you are rendering any services or attending any event or function relating to your employment with OTP or conducting any business on the Company's behalf. This prohibition includes carrying or maintaining a concealed weapon or handgun in any vehicle used in connection with your employment or brought onto OTP's premises.

OTP reserves the right to conduct reasonable searches to investigate whether or not a prohibited weapon is present. Any associate who witnesses the concealment or possession of a weapon or who witnesses a physical or verbal assault involving another person must report it to their supervisor or the human resources department immediately. Violating this policy or refusing to consent to a reasonable search conducted pursuant to this policy may lead to discipline up to and including termination.

Leaving OTP

While we hope both you and OTP will mutually benefit from your continued employment, we realize that it may become necessary for you to leave your job. If you anticipate having to resign your position, OTP hopes and expects that you will give two weeks written notice to your Manager prior to your departure date. Your final check will include all unpaid commissions both earned and distributed during your employment. OTP reserves the right to deduct any monies owed to the Company from this final paycheck. Any associate who resigns without notice or is terminated will forfeit any remaining earned PTO not taken upon termination. Final paychecks are mailed to the associate's home address or deposited by direct deposit. If you had insurance coverage under a OTP plan, you will receive information about continuation of your benefits within 45 days. If you later return to OTP, your service date and benefits will not be reinstated.

Return of Company Property

Any OTP property issued to you, such as keys, credit cards, computers, computer software, etc., must be returned to OTP at the time of your dismissal or resignation, or whenever your Manager or a member of management requests it. You are responsible to pay for any lost or damaged items. The value of any property issued and not returned may be deducted from your paycheck, and you may be asked to sign a wage deduction authorization for this purpose.

Reference Requests

OTP is committed to protecting the privacy of its current and former associates. Any associate receiving a request to release information about any current or former associate should forward all requests to the Operations Manager or General Manager.