

## Wheaton Liquor Control Commission Meeting Agenda

March 9, 2023

7:00 p.m. In-Person & Virtual

Wheaton City Hall Council Chambers

The meeting will also be live streamed and recorded.

Join by phone: (312) 626-6799, Meeting ID: 831 4345 3613 Passcode: 354980

- You will be automatically muted. If you would like to speak, you need to press \*9 to raise your hand and let the meeting administrator know you would like to speak. Once it is your turn to speak, you will receive a notification asking you to press \*6 to unmute yourself. Please announce your name and address before commenting and ensure that you are in a quiet place.

Join by computer/smartphone: <https://us02web.zoom.us/j/83143453613>

- You will be automatically muted. If you would like to speak, click on the “Raise Hand” button to let the meeting administrator know you would like to speak. When it is your turn to speak, you will receive a notification that the meeting administrator is asking you to press “unmute.” Please announce your name and address before commenting and that ensure you are in a quiet place.

Public comments can be made by:

- In-person at 7:00 p.m. on Thursday, March 9, 2023, during the Public Comment portion of each Public Hearing.
- Virtually at 7:00 p.m. on Thursday, March 9, 2023, during the Public Comment portion of each Public Hearing.
- Email the Local Liquor Control Commission at [jkozik@wheaton.il.us](mailto:jkozik@wheaton.il.us) before 12:00 p.m. on Thursday, March 9, 2023.

### AGENDA

1. Call To Order And Roll Call
2. Public Comment
3. Approval Of Minutes
4. New Business
  - 4.I. New Business

Documents:

[APPLICATION FOR A CLASS A LIQUOR LICENSE - PACIFIC WHEATON, LLC DBA PROOF NO 5 - 214 W. FRONT STREET.PDF](#)

## 5. Adjournment

## MEMORANDUM

**TO:** Chair Pearse and Members of the Wheaton Liquor Commission

**FROM:** James P. Kozik, AICP Director of Planning and Economic Development

**DATE:** March 2, 2022

**SUBJECT:** Application for a Class A Liquor License – Pacific Wheaton, LLC DBA Proof no 5 - 214 W. Front Street

### Proposal

Pacific Wheaton, LLC DBA Proof no 5 has applied for a Class A Liquor License for their proposed 115 seat restaurant to be located at 214 W. Front Street. While this space is currently vacant, it was previously occupied by an optometrist, barber shop, and shoe store.

A floor plan of the new restaurant has been provided that includes a waiting area, dining area, bar, kitchen, and restroom facilities.

### Recommendation

Attached for your review is the completed application and the accompanying information. At the March 9th Liquor Commission meeting, the Commission will need to review the application and ask any questions of the applicant.

Staff has no outstanding issues or concerns with regards to this application and foresees no problems with recommending approval of the proposed license to the applicant.

If the Local Liquor Commission recommends approval of the proposed Liquor License, the application will be placed on the March 20th City Council Agenda.

Attachment

c: James Larson

RETAIL LIQUOR DEALER'S LICENSE APPLICATION

Pursuant to provisions of Chapter 6, Section 6-81 and 82, of the Wheaton City Code, 1996, as amended, regulating the sale of Alcoholic Liquor in the City of Wheaton, County of DuPage, Illinois, and all amendments thereto now in force and effect, the undersigned hereby makes application for a Retail Liquor Dealer's License.

1. DATE: 2/8/23 LICENSE CLASS: A

APPLICANT (CORPORATE) NAME: Pacific Wheaton, LLC

NAME OF BUSINESS: Proof no 5

BUSINESS ADDRESS: 214 W Front St Wheaton, IL 60187

MAILING ADDRESS: 214 W Front ST Wheaton, IL 60187

LOCAL CONTACT: James Larson

CONTACT PHONE: [REDACTED] EMAIL: [REDACTED]

TAX IDENTIFICATION NUMBER: 83-2176155

A. The filing date, location and name for the "Assumed Name" of the business with the County Clerk:

; or

B. If an Illinois corporation/LLC, the date and location for said incorporation/organization:

October 8, 2018

1001 E Main St STE G St Charles, IL 60174

; or

C. The date of qualification under the Illinois Business Corporation Act (if a foreign corporation):

D. The object for which the corporation/LLC is organized:

2. Check the appropriate category:

- i.  I am the sole proprietor of this business.
- ii.  This business is a partnership and a general partner will attach his signature.
- iii.  This business is a Corporation/Club and the President and the Secretary will attach their signatures. (Attach copy of Corporate Charter)
- iv.  This business is a Limited Liability Company and the Members will attach their signatures. (Attach copy of Articles of Organization)

3. The character of the current business of the applicant is:

Good

A. Indicate the length of time applicant has been in current business: 10 years  
and at the current address: 0 years

B. The amount of goods, wares and merchandise on hand in current business at the time of application for liquor license (attach Balance Sheet):

0

C. Provide description of premises to be operated:

Full service restaurant and bar

D. Provide zoning classification of premises: C2

E. Total square footage of the facility: 4000

F. Total square footage of the area to be used for the sale of liquor/lounge area, if any:

1800

G. Total seating capacity: 115 Lounge seating capacity, if any: 40

4. Do you have a similar application for a liquor license for any other location? Yes  No

If yes, provide location and status of other liquor license application(s):

5. Has a previous liquor license been issued to the applicant? Yes  No

A. If yes, by what authority: City of Wheaton

B. By which state: Illinois

C. Date of issuance: 9/30/17

6. Has any previous liquor license issued to the applicant been revoked?

Yes  No  If yes, provide particulars:

7. What is the applicant's Retailer's Occupation Tax (ROT) registration no.?

4462-2090

8. Is the applicant presently delinquent in the payment of the Retailer's Occupation Tax (sales tax)?

Yes  No  If yes, give reasons for delinquency:

9. Is the applicant presently delinquent under the thirty (30) day credit law?

Yes  No  If yes, give reasons for delinquency:

10. Does the applicant possess a current federal wagering and gaming device stamp?

Yes  No  If yes, provide the reasons therefore:

11. Is the applicant, any individual identified in the application, or any other person, directly or indirectly interested in the place of business, a public official?

Yes  No  If yes, provide particulars:

12. Is the applicant in violation of Chapter 235, Section 5/6-7, of the Liquor Control Act?

Yes  No  If yes, provide particulars:

13. The full name, date of birth (DOB), place of birth (POB), citizenship, naturalization date and place (if applicable), address, telephone number and driver's license number of all officers, directors, managers, members, and shareholders with an aggregate of more than five percent (5%) of the capital stocks of the corporation or any persons receiving a direct or indirect benefit from the profits of the sale of alcoholic liquor in Wheaton.

Waters                      John                      R  
Last Name                  First                      M.I.  
D.O.B: [REDACTED]  
P.O.B: [REDACTED]  
U.S. Citizen:        Yes  No   
Naturalization date (if applicable): \_\_\_\_\_  
Place: \_\_\_\_\_  
Home Address: [REDACTED]  
City/State/Zip: [REDACTED]  
Home Phone No.: [REDACTED]  
Cell Phone No.: [REDACTED]  
D.L. No.: [REDACTED]

Roberge                      Nicholas                      A  
Last Name                  First                      M.I.  
D.O.B: [REDACTED]  
P.O.B: [REDACTED]  
U.S. Citizen:        Yes  No   
Naturalization date (if applicable): \_\_\_\_\_  
Place: \_\_\_\_\_  
Home Address: [REDACTED]  
City/State/Zip: [REDACTED]  
Home Phone No.: [REDACTED]  
Cell Phone No.: [REDACTED]  
D.L. No.: [REDACTED]

McClure                      Mark                      R  
Last Name                  First                      M.I.  
D.O.B: [REDACTED]  
P.O.B: [REDACTED]  
U.S. Citizen:        Yes  No   
Naturalization date (if applicable): \_\_\_\_\_  
Place: \_\_\_\_\_  
Home Address: [REDACTED]  
City/State/Zip: [REDACTED]  
Home Phone No.: [REDACTED]  
Cell Phone No.: [REDACTED]  
D.L. No.: [REDACTED]

Waters                      John                      P  
Last Name                  First                      M.I.  
D.O.B: [REDACTED]  
P.O.B: [REDACTED]  
U.S. Citizen:        Yes  No   
Naturalization date (if applicable): \_\_\_\_\_  
Place: \_\_\_\_\_  
Home Address: [REDACTED]  
City/State/Zip: [REDACTED]  
Home Phone No.: \_\_\_\_\_  
Cell Phone No.: [REDACTED]  
D.L. No.: [REDACTED]

14. Are premises leased? Yes  No

A. If yes, attach a copy of the lease.

B. Does the lease encompass the term of the license sought? Yes  No

C. Name and address of owner or owners of premises:

Name: Jeremy Jensen

Name: \_\_\_\_\_

Address: 10 Morningside Ave

Address: \_\_\_\_\_

West Chicago, IL 60185

\_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. If the premises are held in trust, provide names and addresses of all the owners of beneficial interest of such trust: (attach additional sheet if necessary)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. Identify the person who will manage this business: (Manager's Must be at least 21 years of age.)

Name: Michael Carl

Home Address: [REDACTED]

Phone No.: [REDACTED]

Birth Date: [REDACTED]

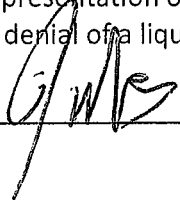
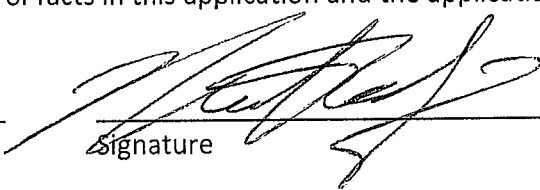


New Managers must provide to the City, within 6 months of start date, documentation of having completed an Alcohol Training Course.

17. New applicants shall not be licensed until such new applicants, managers and assistant managers, if any, have been fingerprinted and photographed by the city police department. Any investigation of the potential applicants and managers, if any, shall be conducted by the city police department and shall report their findings to the local liquor commissioner. A copy of the fingerprints and photographs shall be retained in the files of the chief of police. Arrange for fingerprinting at the city police department by calling 630-260-4867. A one hundred-dollar (\$100) fee, payable to the City of Wheaton, is due at the time of fingerprinting for state and federal charges associated with processing the fingerprints.
18. The applicant, or the person signing on behalf of the applicant, affirms that if this applicant is granted a liquor license, and thereafter the applicant acquires, hires, or appoints a new manager, not listed as a manager in this retail liquor license application, that within thirty (30) days of the date the new manager commences his duties, the applicant shall notify the City Clerk and request a "New Manager Application Form;" said form shall be completed and returned to the City Clerk for further processing and approval by the appropriate authorities.
19. Applicant has provided, in conjunction with the submittal of this application, the following:
  - A. A cashier's check representing a non-refundable application fee of Five Hundred Dollars (\$500.00).
  - B. A copy of a manual outlining the training procedures the applicant will set forth for his/her employees in the proper handling and sale of alcoholic liquor.
  - C. A copy of the floor plan for the subject premises, designating the square footage of the facility and the area where liquor will be sold. Restaurants should indicate seating capacity and lounge area, if any.
  - D. If application includes a courtyard area, please provide a copy of the site plan, including a detail of the wall construction.
20. A court reporter may be required to be in attendance at the public hearing on a liquor application and, in this event, the applicant agrees to pay all costs associated with the court reporter and transcripts of the proceedings.
21. By attachment of his/her signature, the applicant affirms that no person identified in this application is a public official or a law enforcement officer.
22. By attachment of his/her signature, the applicant affirms that he/she and all individuals required to be identified in this application, have not in the past and will not in the future, violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the City, controlling the retail sale of alcoholic liquor and the conduct of his/her place of business.
23. By attachment of his/her signature, the applicant affirms that he/she, and all individuals required to be identified in this application, have never sold, delivered, or given away alcoholic liquor in violation of any state law, or City ordinance, to a person under the minimum age required to purchase or possess liquor.

- 24. By attachment of his/her signature, the applicant, or the person signing on behalf of the applicant, and all individuals required to be identified in this application, affirm that they have never been convicted of a felony or a Class A misdemeanor and are not disqualified to receive a liquor license by reason of any matter or thing contained in the laws of the State of Illinois or the provisions of the Liquor Control Ordinance of the City of Wheaton.
- 25. The applicant and all individuals required to be identified in this application acknowledge that the granting of a liquor license is a matter of privilege and not a right; that citizens of the City of Wheaton have traditionally and customarily enjoyed and professed a high regard for decency and morality; and that certain displays and activities are prohibited with the sale of alcoholic liquor as set forth in the Liquor Control Ordinance of the City of Wheaton.
- 26. The applicant and all individuals required to be identified in this application acknowledge that they have read, understands and will obey the provisions of the Liquor Control Ordinance of the City of Wheaton.

The applicant(s) hereby certifies that the information provided in this application is true and correct to the best of his/her/their knowledge and belief. The applicant(s) understands and agrees that any false information, misrepresentation or omission of facts in this application and the application process may be justification for denial of a liquor license.

 _____ Signature	 _____ Signature
_____ Signature	_____ Signature

STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF KANE )

The applicant(s) certifies that he/she(they) (or the corporation in whose name this application is made, if a corporation) reaffirms all of the foregoing statements, and that all statements are true and correct to the best of his/her(their) knowledge and belief. The applicant(s) understands and agrees that any false information, misrepresentation or omission of facts in this application and the application process may be justification for denial of a liquor license.

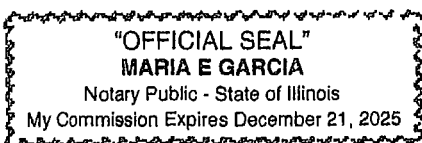
CORPORATION SIGNATURES:

\_\_\_\_\_  
 President

\_\_\_\_\_  
 Secretary

For Deposit to the Credit of ~~MEG~~  
 the within named payee  
 ABSENCE OF ENDORSEMENT GUARANTEED  
 PNC Bank - St Charles West 863

Corporate Seal \_\_\_\_\_



The applicant(s) certifies that he/she(they) (or the limited liability company in whose name this application is made, if a limited liability company) reaffirms all of the foregoing statements, and that all statements are true and correct to the best of his/her(their) knowledge and belief. The applicant(s) understands and agrees that any false information, misrepresentation or omission of facts in this application and the application process may be justification for denial of a liquor license.

LIMITED LIABILITY COMPANY SIGNATURES:

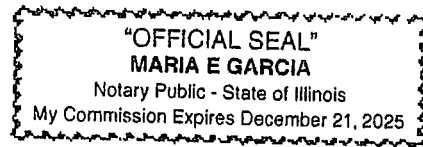
*[Signature]*  
*[Signature]*  
*[Signature]*

INDIVIDUAL OR PARTNERSHIP SIGNATURES:

*[Signature]* NR  
   
 

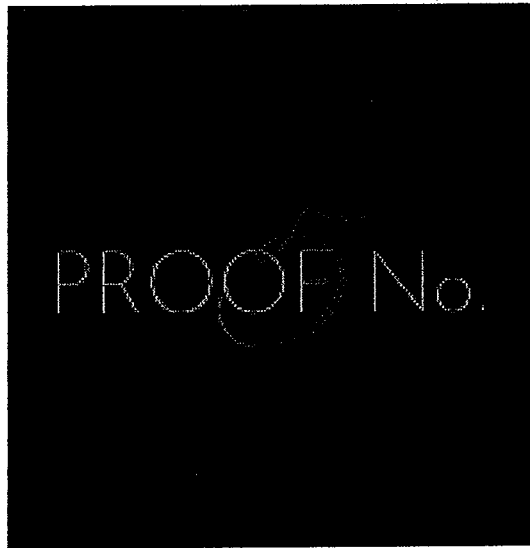
SUBSCRIBED AND SWORN TO BEFORE ME THIS

16<sup>th</sup> day of February 2023  
*Maria E Garcia*  
Notary Public



(Stamp/Seal)





**Welcome to Proof no. 5**  
*a Bourbon Belly Hospitality Restaurant*

## General Information

### Burger Local

**Restaurant Address:** 214 W Front St, Wheaton, IL 60187  
**Phone Number:** 630 TBD  
**Website:** [www.proofnumberfive.com](http://www.proofnumberfive.com)  
**Hours of Operation:** Sunday-Thursday: 11am-10pm  
 Friday-Saturday: 11am-11pm

**Owners:** Nick Roberge  
 Jack Waters  
**Executive Chef:** Eric Olson  
**Executive Sous Chef:** Stu McLuckie  
**Chef de Cuisine:** Andrew Ellingsen  
**Director of Operations:** James Larson  
**District Manager:** Michael Carl  
**Assistant GM:** Carolyn Kohler

### Bourbon Belly Hospitality

**Barrel + Rye (Geneva)**  
[www.barrelandrye.com](http://www.barrelandrye.com)

**Burger Local (Geneva)**  
[www.theburgerlocal.com](http://www.theburgerlocal.com)

**Maize + Mash (Glen Ellyn)**  
[www.maizeplusmash.com](http://www.maizeplusmash.com)

**Burger Social (Wheaton)**  
[www.theburgersocial.com](http://www.theburgersocial.com)



### Mission Statement

The experience of big city dining in the suburbs.

### Vision Statement

To be the pride of our communities, a family for our employees, and the envy of our competitors.

We will accomplish this by consistently providing exceptional service of innovative and high-quality food and drinks in clean, attractive settings; by being active in, charitable to, and respectful of the communities we call home; by always being there for those who work with us, in any way they may need, so they will always be there for us in turn; and by making enough money to ensure the future and growth of the company and all individuals who are a part of it.

## **Core Values**

### **If it's not high quality, we're not doing it**

*From our food and drinks to the design of our locations, we will not put out a mediocre product just because it is cheap or easy. We must be trendsetters who try our best to impress our guests and leave them in awe.*

### **We exist because of our customers; we must never forget that**

*There are a lot of other restaurants our guests could choose. When we are lucky enough to have them under our roof, we treat them with respect and provide them with exceptional service, always.*

### **We use our position to better the world**

*We will always strive to make a difference where we can by being environmentally responsible, generous in our giving, and being upstanding citizens in the communities we operate in.*

### **We partner with those who respect us and want to grow with us**

*The companies and individuals we choose to partner with, from distribution to repair, are a large part of our success. We will only enter in these partnerships with those who will treat us fairly and look out for our future as much as theirs. They should expect the same from us in return.*

### **If we're going to do it, it is done ethically, responsibly, legally, and honestly**

*We must guard our integrity; no business lasts long without it.*

### **Our employees are our company**

*We must do whatever we can to provide them with a safe, healthy, happy, and profitable work environment. We want every single person we hire to be proud of where they work and to be given an opportunity to grow with us.*

Congratulations on becoming a member of the Proof no. 5 team! This manual will serve as your guide as you make your way through our training process, please bring it with you throughout your training period. Within its pages you will find everything that we expect of you as a team member, an outline of your training program, and detailed descriptions of every menu item that we offer. You are expected to read through it thoroughly and to follow the rules and regulations contained within it. Since the restaurant business is constantly changing, our rules may also change from time to time; you will be made aware if this is the case. Failure to comply with any one of the policies may result in written warnings, suspension, or possible immediate termination.

If you ever have any questions, suggestions, ideas, or complaints, feel free to talk to management about whatever is on your mind. As a team member, you will help be our eyes and ears on the floor of the restaurant. Any feedback that we get from you will be essential and appreciated. Congratulations again, and we look forward to working with you.

### **JOB REQUIREMENTS: WHAT WE EXPECT OF YOU**

#### **INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:**

- Must be 21 years of age
- Must be available to work as early as 9:00 am and as late as 12:00 am
- Must be BASSET certified
- Must have Food Handler's certification or be Sanitation certified
- Must be capable of walking and standing 4-8+ hours at a time
- Communicate verbally with customers and co-workers
- English reading, writing, and basic math skills required
- Be aware of potential hazards which include, but are not limited to, slipping, tripping, falling and burns
- Must possess a positive attitude and work well with other team members
- Must possess full knowledge of food and beverage items
- Must make a positive impression on the customer
- Perform side-work
- Communicate pertinent information effectively
- Maintain proper safety and sanitation standards
- Absorb criticism and move on
- Greet guests upon arrival, seat guests, and answer phones
- Present menus, make specific recommendations and answer questions regarding menu
- Take orders from guests
- Enter orders accurately and immediately into the pos system
- Receive and serve food and drink orders to guests
- Accept guest payment, process credit cards and make change accurately
- Clear and reset guest tables in dining room areas
- Prepare and serve non-alcoholic drinks
- Learn the names and personally recognize our regulars
- Maintain dining room and all areas in guest view in an attractive and functional manner
- Maintain cleanliness in all other areas including kitchen, party room, bathrooms, and storage
- Report all equipment problems and maintenance issues to supervisor
- Assist in the restocking and replenishment of inventory and supplies
- Attend all scheduled employee meetings and bring suggestions for improvement
- Notify manager-on-duty any time a guest is not 100% satisfied with their experience
- Must be able to work unsupervised
- Must have the ability to handle money without error and operate a point-of-sale system
- Be willing to follow direction and ask questions for clarification if needed
- Be able to work in a fast paced restaurant environment
- Must receive positive feedback from guests, co-workers, and managers
- Must strive to increase sales using upselling and suggestive selling techniques



## UNIFORM REQUIREMENTS

*SHIRT:* Black button down provided by Proof no 5

*PANTS:* Black slacks, clean and wrinkle/tear free. No jeans.

*BELT:* Black

*SHOES:* Black. No open toed shoes/sandals/flip flops/backless shoes, etc... Shoes must be slip resistant and should be tied and scuff free at all times.

*SOCKS:* We insist that you wear socks. As long as they are covered by your pants, the color is up to you.

*APRON:* Provided by Proof no 5

*PIN:* Provided by Proof no 5

*HAIR:* Shoulder length or longer hair should be worn up and kept out of the face and off the shoulder. Please no Mohawks, multi-colored hair, or any other atypical hair style unless pre-approval is given by management. Hair should be neat and brushed before you start your shift.

*PIERCINGS/*

*JEWELRY:* Anything that might cause one of our guests to do a double take will be frowned upon. No piercings in the eyebrow, lip, forehead, webbing of fingers, etc... without management approval. Necklaces should be tucked into your shirt.

*HAND*

*WASHING:* All employees must wash their hands frequently, especially after every time they use the restroom, smoke, eat, or handle dirty dishes.

## CUSTOMER RELATIONS

### **The Customer is the reason for the Restaurant**

You have chosen a profession that will bring you into close contact with many people. It is necessary that you enjoy this contact and genuinely like, welcome and respect your customers. Without them we are nothing.

### **Every Customer Leaves Happy**

Once a customer chooses to spend their time and money with us it is our job to earn their loyalty and see to it that they never want to go anywhere else. Your primary goal and the goal of everyone in the restaurant is not to merely satisfy the customer's needs, but to exceed their expectations. The customer should leave the restaurant raving about their experience and planning their next visit.

### **Professional Attitude: Service as a Chosen Profession**

Many restaurants are beautiful to look at and have fine food, but fail because the employees do not really care about the customer. Arrogance, rudeness and indifference will not be tolerated in this restaurant. All personal problems must be left at home. Interaction in the restaurant will be upbeat and positive. Everyone should act professional. Take pride in your position, take ownership of your station and treat it as your own business. Customers know that we love our jobs; this makes the restaurant an attractive place to visit time and time again.

### **Devote Yourself to Customer Needs from the Moment They Enter Until They Depart**

All customers must be greeted, acknowledged and thanked by all the members of the staff. Welcome every customer that comes in the door, regardless if they are in your section. Likewise, thank every customer who you see leaving.

### **Politeness and Respect are Due to the Customer**

Be genuine, be sincere, and bear in mind that over-politeness is irritating and may give the impression of insincerity.

### **Read Your Tables**

Participate as required by customers but realize that they may not want to be entertained by you. Be alert, aware, and unobtrusive.

### **Customer Complaints**

Our philosophy of customer service is simple—make the customer happy. This is in no way unique to this restaurant; good customer service skills are essential to any well-run business. These skills will need to be implemented in a variety of situations. Good customer service skills are even more essential when that situation is customer dissatisfaction. There is no room for error.

First and foremost, when any situation arises you must make the customer feel totally comfortable. Your behavior, attitude and tone should reflect this.

You are never to challenge the customer's accuracy. The idea is to put the customer at ease. That you recognize a problem exists. That you will rectify it. That you will make them happy. A manager should always be informed of the situation immediately and they will make the call as to what we will do for the customer.

All re-fires should be walked to the table by a manager to ensure the second time is correct.

## EMPLOYEE RELATIONS

### **Treat your fellow employees with respect and courtesy at all times**

We do not ask that you be best friends, however we do require you work together as a team. We are restaurant professionals with a lot at stake. Non-team players will not be tolerated and will soon become non-team members.

### **Conflicts occur, service should never be jeopardized**

Sometimes problems do arise in the heat of battle. We never discuss things on the floor. Any problem will be dealt with after the shift is over and after all customers have been served. If you are arguing, you are not helping the customer. We will not let the service suffer.

## KITCHEN RELATIONS

### **Keep it quiet**

The cooks are preparing many dishes simultaneously in a high volume, pressure situation. Unnecessary chatter can throw off their concentration and affect the quality of the dish they are preparing. Gossip, sports, news and after work plans are discussions for another place and time. You may discuss service issues in the kitchen in a quick concise manner.

### **Do not argue with the cooks**

Mistakes are inevitable from both the service staff and the cooks; these should always be resolved in a courteous and professional manner. You are never allowed to yell at, criticize or demean the back of the house employees.

### **Only speak to the Expo**

If you have a question or request for the kitchen or if you need to correct a mistake, only speak to the person working on the expo station. They will speak to the rest of the BoH staff if necessary.

### **The Chef's decision on all matters in the kitchen is final**

If you feel the customer is suffering, take it to the manager.

## DISCRIMINATION & HARASSMENT

### **Americans with Disabilities Act**

It is Proof no 5's policy that we will not discriminate against qualified individuals with disabilities with regard to any aspect of their employment. Proof no 5 is committed to complying with the American with Disabilities Act of 1990 and its related Section 504 of the Rehabilitation Act of 1973. Proof no 5 recognizes that some individuals with disabilities may require accommodations at work. If you are currently disabled or become disabled during your employment, you should contact your manager to discuss reasonable accommodations that may enable you to perform the essential functions of your job.

### **Equal Opportunity**

Proof no 5 provides equal opportunity in all of our employment practices to all qualified employees and applicants without regard to race, color, religion, gender, national origin, age, disability, marital status, military status or any other category protected by federal, state and local laws. This policy applies to all aspects of the employment relationship, including recruitment, hiring, compensation, promotion, transfer, disciplinary action, layoff, return from layoff, training, social, and recreational programs. All such employment decisions will be made without unlawfully discriminating on any prohibited basis.

### **Policy Prohibiting Harassment & Discrimination**

Proof no 5 strives to maintain an environment free from discrimination and harassment, where employees treat each other with respect, dignity and courtesy. This policy applies to all phases of employment, including but not limited to recruiting, testing, hiring, training, promoting, demoting, transferring, terminating, paying, and granting benefits.

## **Prohibited Behavior/Conduct**

Proof no 5 does not and will not tolerate any type of harassment of our employees, applicants for employment, or our customers. Discriminatory conduct or conduct characterized as harassment as defined below is prohibited. The term harassment includes, but is not limited to, slurs, jokes, and other verbal or physical conduct relating to a person's gender, ethnicity, race, color, creed, religion, sexual orientation, national origin, age, disability, marital status, military status or any other protected classification that unreasonably interferes with a person's work performance or creates an intimidating, hostile work environment. Sexually harassing behavior includes unwelcome conduct such as: sexual advances, requests for sexual favors, offensive touching, or other verbal or physical conduct of a sexual nature. Such conduct may constitute sexual harassment when it:

1. Is made an explicit or implicit condition of employment
2. Is used as the basis for employment decisions
3. Unreasonably interferes with an individual's work performance, or
4. Creates an intimidating, hostile or offensive working environment.

The types of conduct covered by this policy include: demands or subtle pressure for sexual favors accompanied by a promise of favorable job treatment or a threat concerning employment. Specifically, it includes sexual behavior such as:

1. Repeated sexual flirtations, advances or propositions
2. Continued and repeated verbal abuse of a sexual nature
3. Sexually related comments and joking
4. Degrading comments about an employee's appearance
5. Displaying sexually suggestive objects, pictures, or messages
6. Any uninvited physical contact or touching, such as patting, pinching or repeated brushing against another's body.

Such conduct may constitute sexual harassment regardless of whether the conduct is between members of management, between management and staff employees, between staff employees, or directed at employees by nonemployees conducting business with the Company, regardless of gender or sexual orientation.

## **Harassment by Non-Employees**

Proof no 5 will also endeavor to protect employees, to the extent possible, from reported harassment by nonemployees in the workplace, including customers, clients and suppliers.

## **Complaint Procedure & Investigation**

Any employee who wishes to report a possible incident of sexual harassment or other unlawful harassment or discrimination should promptly report the matter to James Larson. If that person is not available, or you believe it would be inappropriate to contact that person, contact Nick Roberge, Jack Waters, or Mike Carl. Proof no 5 will conduct a prompt investigation as confidentially as possible under the circumstances. Employees who raise concerns and make reports in good faith can do so without fear of reprisal; at the same time employees have an obligation to cooperate with Proof no 5 in enforcing this policy and investigating and remedying complaints.

Any employee who becomes aware of possible sexual harassment or other illegal discrimination against others should promptly advise James Larson or any other appropriate member of management.

Anyone found to have engaged in such wrongful behavior will be subject to appropriate discipline, which may include termination.

## **Retaliation**

Any employee who files a complaint of sexual harassment or other discrimination in good faith will not be adversely affected in terms and conditions of employment and will not be retaliated against or discharged because of the complaint.

In addition, we will not tolerate retaliation against any employee who, in good faith, cooperates in the investigation of a complaint. Anyone who engages in such retaliatory behavior will be subject to appropriate discipline, up to and including termination.

## SIDEWORK & OPENING/CLOSING PROCEDURES

Our restaurant relies on your cooperation to keep it running smoothly. It is imperative that specific duties be carried out to insure a successful dining experience and that the next shift will begin with a clean, well-stocked restaurant. Sales personnel are responsible for the following:

### **Opening-the following must be completed before we open at 11**

- ...TBD
- ...

### **Shift change/First cuts**

- ...TBD

### **Closing-the following must be completed before leaving for the night**

- ...TBD

While we expect you to complete every item on this list every time you work, it is not possible to list everything that needs cleaning at the bar or in the restaurant. We ask that you take the initiative to clean whatever is dirty. Slow afternoons or early evenings are good times to wipe shelves, appliances, light fixtures, TVs, etc.... Doing a little extra goes a long way in maintaining the cleanliness of the bar and dining room. There are also daily cleaning jobs that must be completed and will be covered during your training.

## GENERAL POLICIES AND INFORMATION

### **Schedules**

Schedules will be posted in the 7shifts app by 5:00 pm on the Thursday before the Monday that the schedule will take effect.

ANY schedule change (by you) must be done in the correct fashion and approved by a manager. It is always your responsibility to cover your shifts whether you are on a set schedule or once the schedule has been posted and you need to make a change.

Any and all schedule concerns, comments or wishes must always and only be communicated in writing to your manager—the proper procedure for requesting off will be covered in training. Any verbal request or comment is liable to be forgotten and will not be honored.

Furthermore you are required to check the posted schedule every week before it goes into effect. We are a business that must be properly staffed to our satisfaction. Therefore, some requests may be denied, or additional shifts given due to increased business and/or out of necessity.

Also, shifts may be taken away for disciplinary reasons or lack of business.

### **VACATION REQUESTS**

Requests must be submitted a minimum of 1 (one) month prior to desired start of vacation. Requests may be delayed to amount of business or if there have been requests made before yours. **Therefore, it may be that you would have to postpone plans. Please do not buy tickets or make plans before your request has been approved.**

### IN CASE OF ILLNESS

If you are calling in sick, you must first try to get your shift covered yourself. If you are unable to, then you may call the manager on duty. The manager may require a doctor's note at his/her discretion to verify absenteeism. No call + no show = no job.

If you feel you are becoming ill in the middle of a shift, please tell your supervisor immediately.

### LEAVE OF ABSENCE

Under certain conditions employees may be granted a leave of absence. Request for unpaid time off from work must be submitted in writing to your supervisor. A leave of absence can be approved for the following:

1. Jury duty
2. Medical illness or an accident that occurs outside of work
3. Military leave
4. Family death or tragedy
5. Maternity leave

### Compensation

Our pay days are every other Wednesday by 5:00pm.

All holidays are paid on a normal basis when we are open for business. Any holidays where we are closed are unpaid.

It is essential that you punch in and out at the correct time. If you punch in before your shift is scheduled to begin without management approval, you will not be paid for that time. If you have forgotten to punch in or out, immediately let a manager know. It is your responsibility to make sure that your hours have been adjusted correctly.

### Tip reporting

You are required to report 100% of your tip income.

100% of tips are taxable

All tips are considered income that you owe taxes on. That includes cash tips, charge-card tips and any tips you receive from other staff members, minus what you voluntarily tip out to others.

You must keep a daily log of your tips

The IRS requires you to keep a daily tip diary or other evidence to prove your tip income. This daily record is for your protection in the event of an audit. Your daily records must show:

- Your cash tips
- Your charge-card tips
- The amount of tips you receive from other staff members through tip pools or tip out
- The amount of tips you voluntarily tip out to other staff members, such as busboys or bartenders, and their names (this proves you don't owe taxes on these tips)

What could happen if you don't report your tips?

Staff who do not report all of their tips and are audited by the IRS may owe back federal and state income taxes, FICA and possibly penalties and interest on the amounts not reported. The company is also potentially liable for back taxes, interest and fines for money you don't report. The IRS may go back as many as three years.

All credit card tips are automatically counted. You need only declare your cash tips on sales.

A tip is a discretionary gesture made by a guest and is reflective of the guests' satisfaction with your service.

Please be aware of the following rules in regarding guests' tips:

1. Do not solicit a tip from a guest
2. Do not add a tip to a guest check
3. Do not alter in any way a tip on a credit card receipt
4. Do not comment in a negative manner on a tip
5. Do not discuss tips with your co-workers or guests

### **Once you are clocked in**

You may not leave the building until your shift is complete and a manager has checked you out. When you clock out...leave. Do not hang out. Others are still busy taking care of customers.

### **Smoking**

You are only allowed to smoke with a manager's approval and in an appropriate area away from any potential customer's view. Always wash your hands immediately after smoking.

### **No cell phones**

Cell phones are not to be used during your shift. No text messaging. Phones must be turned off before entering the building and not turned on until you have left. See your manager if you have emergency issues.

### **No chewing gum on the floor**

No gum, mints, cough drops, etc.

### **No bags**

No bags larger than a purse are to be brought in. There is not room for them, and they could get stolen. See a manager if you have a problem.

### **Drug & alcohol policy**

Our company strives to maintain a workplace free of drugs and alcohol and to discourage drug and alcohol abuse by our employees. Employees are prohibited from using or being under the influence of illegal drugs or alcohol while performing company business or while on a company facility or worksite. You may not use, manufacture, distribute, purchase, transfer or possess an illegal drug while performing company business. This policy does not prohibit the proper use of medication under the direction of a physician; however, misuse of such medications is prohibited.

Employees who violate this policy may be disciplined or terminated, even for a first offense.

### **Tipping Out Policy**

All employees who receive tips will be required to tip out a portion of these tips to fellow co-workers that help you throughout the shift. The percentages for servers are as follows:

- 3% of your total sales to the busser/food runner(s) while they are on duty
- 2% of your total sales to the bartender on duty
- .5% of your total sales to the host while they are on duty

### **Employee Records**

An employee's personnel file consists of the employee's employment application, withholding forms, reference checks, emergency information and any performance appraisals, benefits data or

other appropriate employment-related documents. It is the employee's responsibility to notify management of any changes in name, address, telephone number, marital status, number of dependents, military service status, beneficiaries or person to notify in case of an accident.

Misrepresentation of any fact which you have provided information for on your application, in your personnel file, or any other document is sufficient reason for dismissal. Personnel records are considered company property and are not available for review by employees.

### **Probationary Period**

The first 30 days of employment are an Introductory Period for both the employee and the Company. However, during and after this period, the work relationship will remain at will. This time period allows you to determine if you have made the right career decision and for The Burger Local to determine whether your initial work performance meets our needs. Your manager will monitor your work performance, attitude and attendance during this time, and be available to answer any questions or concerns you may have about your new job.

Benefits such as time off for vacation, personal days, sick days or bereavement leave do not accrue during this period. The Introductory Period may be extended at management's discretion.

### **Reference/Background checks**

Proof no 5 conducts reference and background checks on all new employees. Employees who have falsified information on their employment applications will be disciplined, which could include termination. Applicants who have provided false information may be eliminated from further consideration for employment.

### **Termination, Resignation, and Discharge**

Unless expressly proscribed by statute or contract, employment with Proof no 5 is on an "at will" basis and may be terminated with or without cause or notice. Similarly, employees are free to resign their employment at any time. If at any time it is necessary for an employee to resign his or her employment with the Company, Proof no 5 requests at least two weeks notice. Failure to provide notice may lead to forfeiture of accrued vacation or other benefits at the discretion of Proof no 5 and will make the employee ineligible for rehiring. Any employee who is discharged by Proof no 5 shall be paid only wages accrued to the effective date of the separation.

### **Safety & Emergency**

Every employee is responsible for recognizing potential fire dangers and taking an active role in preventing fires. Employees are required to observe all OSHA safety requirements and regulations. Flammable materials are to be stored in covered metal containers. Employees should not block any fire doors, fire exits, fire extinguishers, windows or doorways.

Proof no 5 is committed to maintaining a safe and healthy environment for all employees. Report all accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues immediately to your manager. If you or another employee is injured, contact your supervisor or manager immediately. Seek help from outside emergency response agencies, if needed. You must complete an Employee's Claim for Worker's Compensation Benefits Form if you have an injury that requires medical attention. If your inquiry does not require medical attention, you must still complete a Supervisor and Employee Report of Accident Form in case medical treatment is later needed and to ensure that any existing safety hazards are corrected. You can obtain the required forms from James Larson. A federal law, the Occupational Safety and Health Act, requires that we keep records of all illnesses and accidents that occur on the job. OSHA also provides for your right to know about any health hazards which might be present on the job. In addition, the state Workers' Compensation Act also requires that you report any illness or injury caused by the workplace, no matter how slight. If you do not report an injury, you may jeopardize your right to collect workers' compensation payments as well as health benefits. You can get the required reporting paperwork from James Larson.



## **Security**

Proof no 5 is committed to ensuring employees' security. Our premises are equipped with both security cameras that are active outside working hours and a fire alarm system. If you have a security concern or need more information about operating these systems, contact James Larson.

## **Inclement Weather**

We realize that bad weather or hazardous commuting conditions may occasionally make it impossible for employees to report to work on time. However, you are expected to make a diligent effort to report to work when conditions have improved. If you determine that you are unable to report to work because of the conditions, inform your supervisor as soon as possible. Your absence will be charged to personal or vacation time. If it becomes necessary to shut down the restaurant due to weather or other emergency, every effort will be made to notify employees. If there is a question as to whether the restaurant will be open, call your place of work. If there is no answer within one hour after the normal start time, assume the restaurant is closed.

## **BASSET & Food Handler's Certification**

The Burger Local requires all servers to have both BASSET and Food Handler's certification for the state of Illinois. It is each employee's responsibility to become certified within 30 days of being hired. Classes for both can be easily found on-line for a small fee. If you are already certified in Food Sanitation, you are not required to complete the Food Handler's course.

## **Employee Benefits**

### **Medical Insurance**

Proof no 5 offers medical insurance at request. Please ask James Larson for printed information from the insurance provider for details of eligibility and coverage. If you do not wish to take part in the health insurance program, you will be asked to sign a waiver acknowledging you have declined the offer.

### **Workers Compensation**

Proof no 5 provides insurance to compensate for any illness or injury an employee might suffer while working on company premises, traveling on official company business, or attending an activity officially sponsored by the Company. If you become ill or injured, please get medical attention at once. You must also report the details to your supervisor immediately. And you must complete a report for every injury, no matter how small, to keep the coverage in force and to get any benefits or other compensation to which you may be entitled.

### **Discounted Meals and Drinks**

All employees receive a 50% discount on food or drinks regardless if they are working or are patronizing the restaurant on their off day. Discounts may not apply to certain menu items, including items that are already on special or more costly or rare items. You will be notified when this is the case. Discounts are only offered to a current employee and not to their family or friends.

## **Confidentiality Agreement**

Information that pertains to Proof no 5's business, including all nonpublic information concerning the company, its vendors and suppliers, is strictly confidential and must not be given to people who are not employed by Proof no 5.

Please help protect confidential information - which may include, for example, trade secrets, customer lists and company financial information - by taking the following precautionary measures:

1. Discuss work matters only with other employees who have a specific business reason to know or have access to such information.
2. Do not discuss work matters in public places.

3. Monitor and supervise visitors to Proof no 5 to insure that they do not have access to company information.
4. Destroy hard copies of documents containing confidential information that is not filed or archived. (Such as any credit card receipts)
5. Secure confidential information in desk drawers and cabinets at the end of every business day.

Your cooperation is particularly important because of our obligation to protect the security of our customers and our own confidential information. Use your own sound judgment and good common sense, but if at any time you are uncertain as to whether you can properly divulge information or answer questions, please consult a Manager.

### Discipline

Proof no 5 expects every employee to adhere to the highest standards of job performance and of personal conduct, including individual involvement with company personnel and outside business contacts. The company reserves the right to discipline or discharge any employee for violating any company policy, practice or rule of conduct. The following list is intended to give you notice of our expectations and standards. However, it does not include every type of unacceptable behavior that can or will result in disciplinary action. Be aware that Proof no 5 retains the discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case.

Employees may be disciplined or terminated for poor job performance, including, but not limited to the following:

- unsatisfactory quality or quantity of work
- repeated unexcused absences or lateness
- failing to follow instructions, company procedures or policies, or
- Failing to follow established safety regulations.

Employees may also be disciplined or terminated for misconduct, including, but not limited to the following:

- falsifying an employment application or any other company records or documents
- failing to record working time accurately
- insubordination or other refusal to perform
- using vulgar, profane or obscene language, including any communication or action that violates our policy against harassment and other unlawful forms of discrimination
- disorderly conduct, fighting or other acts of violence
- misusing, destroying or stealing company property or another person's property
- possessing or using weapons on company property
- possessing, selling, using, or reporting to work with alcohol, controlled substances, or illegal drugs present in the employee's system, on company property or on company time
- violating conflict of interest rules
- disclosing or using confidential or proprietary information without authorization
- Being convicted of a crime that indicates unfitness for a job or presents a threat to the Company or its employees in any way.

## Alcohol Awareness

*The service of alcohol will be a very important part of your job here at Proof no 5, and it is something that we take very seriously. You are expected to be BASSET certified before beginning your employment, but even with BASSET certification, we would like you to take some time to familiarize yourself with the information on the following pages.*

Alcohol is a commonly used drug which can often change a person's personality and demeanor. Although it appears to be a stimulant it is actually a depressant. There is no way to speed alcohol's exit from the body. Time is the only factor; a liver can only process one drink per hour. Coffee, cold showers, exercise: none of these help "sober" people up.

BAC is the blood alcohol content in the bloodstream. Legal BAC level is .08 to operate a vehicle in this state.

Blood Alcohol Content is the legal measurement of the amount of alcohol in a person's blood. Here are some key points to remember:

- The more alcohol a person consumes, the higher the BAC level will be
- A customer's BAC level can be different each time he or she drinks
- Intoxication rate factors affect how quickly the BAC level rises
- The higher the BAC level, the more behavioral cues you are likely to see
- Tolerance has no impact on a customer's BAC level
- Time is the only thing that can lower a customer's BAC level

A 150 pound male customer drinking for one hour on an empty stomach would likely have the following BAC levels (this is simply a guideline):

Two Drinks:	.05 BAC
Four Drinks:	.10 BAC
Eight Drinks:	.20 BAC
Twelve Drinks:	.30 BAC

### **The Law**

1. It is against the law to serve alcohol to anyone under the age of 21
2. It is against the law to serve alcohol to an intoxicated person
3. It is against the law to serve alcohol, prior, to first checking the identification of the patron

### **Our Policies**

1. We do not allow drinks to go
2. Food service is always available at the bar
3. We do not serve more than one drink at a time to a customer
4. We call the police if a person insists on driving while intoxicated

### **Be Observant**

1. Of peoples coordination
2. Speech patterns
3. Reaction
4. Diminished inhibitions

If a person becomes intoxicated, it is your responsibility to STOP serving that person immediately and inform a manager. A manager will **always** back up the decision to cut off a customer

Offer alternatives to cocktail service:

1. Invite the customer to stay and eat dinner or an appetizer
2. Let the customer know that they are welcome to stay and finish their meal

3. Offer complimentary food
4. Arrange for a taxi if the customer is driving
5. Strongly discourage driving. If they insist, call 911

### **Minors**

We only accept identifications with pictures, inclusive of:

1. State driver's license
2. State ID
3. Military passport
4. Passport

If the customer is underage, do not be judgmental or critical. Tell them politely but firmly that they cannot be served alcohol. Watch carefully that they are not given a drink by someone else. Be very polite in this situation. When in doubt, see a manager.

### **Behavioral Cues**

The changes in people's behavior after a few drinks are called cues. Usually, the more alcohol in the bloodstream, the more obvious the cues. Watch for cues in four areas.

#### **Inhibitions**

Becoming talkative, beginning to lose self-control and sometimes displaying loud behavior or mood swings are all indications of lowered inhibitions

#### **Judgment**

Behaving inappropriately, using foul language, telling off-color jokes, annoying others, becoming overly-friendly or increasing the rate of drinking exhibits poor judgment.

Friends reaction to the behavior is a telling sign.

#### **Reactions**

Glassy, unfocused eyes, talking and moving very slowly, forgetting things, losing their train of thought and slurred speech result from slowed reactions.

#### **Coordination**

Stumbling or swaying, dropping belongings and having trouble picking up a drink; can indicate a loss of coordination.

### **Intoxication Rate Factors**

These factors help you assess how quickly someone is becoming intoxicated; hopefully, giving you an idea or benchmark, of how rapidly that person's BAC is rising.

#### **Size**

Smaller people are sometimes affected more quickly by alcohol than larger people

#### **Gender**

Women are generally smaller than men and have more body fat. As a consequence, they tend to reach higher levels of BAC's more quickly.

#### **Rate of Consumption**

Gulping drinks and ordering frequently will increase the amount of alcohol taken into the system. The body is only able to process the equivalent of one can of beer per hour.

#### **Strength of Drink**

Drinks of different types have varied effects based on their content: e.g., straight, carbonated or juice mixer.

EMPLOYEE AGREEMENT

The guidelines, policies, and benefits contained within this handbook are not intended, by reason of their publication, to confer any contractual rights or privileges upon you. This is not a contract of employment. Your employment by this company is at will, this means that it is for an indefinite period and may be terminated at any time without notice by either the company or you yourself. The information, policies, and benefits herein are regularly reviewed, and may be revised at any time without notice as the company deems appropriate and necessary. The contents of this handbook are presented as a matter of information only. These policies should not be considered all-inclusive.

I agree that I have read and understand the policies, procedures, and expectations of my employment at Proof no 5. I agree to abide by the policies, procedures, and expectations of my employment as described in this handbook.

Employee Name (please print): \_\_\_\_\_ Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

If lost, damaged, or stolen, a new copy of The Employee Handbook is always at your disposal by asking a supervisor.