UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	:	
Plaintiff,	:	
v.	:	98-CV-1772 (FJS)(TWD)
CARROLS CORPORATION,	:	
Defendant.	:	

CONSENT DECREE

1. This cause of action was initiated on November 17, 1998 by the Equal Employment Opportunity Commission ("EEOC"), an agency of the United States Government, to correct unlawful employment practices on the basis of sex. EEOC alleges that Defendant Carrols Corporation ("Carrols") subjected Charging Party Wendy McFarlan and other female employees to sexual harassment, retaliation, and/or constructive discharge in violation of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"). Carrols denies having engaged in any unlawful discrimination, harassment, or retaliation, and denies all of the allegations of the complaint.

2. The Parties to this Consent Decree ("Decree") are Plaintiff EEOC and Defendant Carrols.

3. The Parties have engaged in extensive and comprehensive settlement negotiations and desire to settle this action, and stipulate to the entry of this Decree as final and binding between the Parties. Not less than thirty (30) days before Carrols executes any agreement to sell, assign, consolidate or merge the Company with or into a third party, it will provide written notice

and a copy of this Decree to any prospective successors or assigns and will simultaneously inform EEOC of the same.

4. The terms of this Decree represent the full and complete agreement of the Parties. The Parties have agreed that this Decree may be entered into without findings of fact and conclusions of law having been made and entered by the Court.

In consideration of the mutual promises of each Party to this Decree, the sufficiency of which is hereby acknowledged, the Parties agree as follows, and the Court finds appropriate, and it is therefore **ORDERED, ADJUDGED, AND DECREED** that:

GENERAL PROVISIONS

5. This Decree resolves finally the Complaint filed by EEOC in this case, and resolves EEOC's claims in regard to, and EEOC waives further processing of, any of the individual EEOC Charge Numbers listed in Exhibit A to this Decree.

6. This Decree in no way affects EEOC's right to process any other pending or future charges that have been or may be filed against Carrols and to commence civil actions on any such charges as EEOC sees fit. EEOC reserves all rights to proceed regarding matters not covered in this Decree.

7. The Parties agree and the Court finds that the Court has jurisdiction over the subject matter and the Parties to this action, venue is proper, and all administrative prerequisites have been met.

8. The parties agree that the United States District Court has jurisdiction to enforce this Decree and its terms. Either party may petition the Court for relief under this Decree.

9. Should EEOC believe that Carrols has breached this Decree, it will notify Carrols' General Counsel in writing, by email and overnight mail, of the nature of the dispute and identify the provision(s) that it believes Carrols has breached and the steps it believes

Carrols should take to cure the alleged breach. Absent a showing by any party that the delay will cause irreparable harm, Carrols shall have twenty (20) days from the date of notice ("Dispute Resolution Period") to try to resolve or cure the breach. The Parties agree to cooperate with each other and use their best efforts to resolve any dispute referenced in EEOC's notice. After the Dispute Resolution Period expires, EEOC may initiate an enforcement action in this Court, seeking all available relief or remedies.

MONETARY RELIEF

10. Carrols will pay monetary relief in the total sum of two and one-half million dollars and no cents ($2,500,000.00) (the "Claim Fund") to the Claimants as designated in Exhibit B. Monetary relief will include payments in the nature of back pay and compensatory damages. EEOC has allocated two hundred five thousand eight hundred seventy-six dollars and no cents ($205,876.00) of the Claim Fund to claims for lost earnings to Claimants as designated in Exhibit B. With respect to the payment of back pay, Carrols will provide a W-2 Statement for those payments and be responsible for deducting applicable withholdings. EEOC has allocated two million two hundred ninety-four thousand one hundred twenty-four dollars and no cents ($2,294,124.00) to Claimants as compensatory damages, as designated in Exhibit B. As to payment for compensatory damages, Carrols is not required to withhold taxes or make employer contributions required to be made on payment of wages, except that it shall issue IRS Forms 1099 for these payments at the time required by law.

11. Within ten (10) days of entry of this Decree, or twenty (20) days after EEOC provides Carrols with the legal name, social security number, and address of each Claimant, whichever is later, Carrols will distribute to each Claimant her portion of the Claim Fund as specified by EEOC in Exhibit B, which will be filed under seal. Payment will be made by United States Postal Service, return receipt requested. Carrols will provide EEOC with copies of

the check(s), Forms 1099 and W-2 Statements concurrent with Carrols's providing them to the Claimants. Any check not presented to Carrols' bank for payment within one hundred and eighty (180) days of its issuance will be cancelled, and Carrols will remit the amount thereof to a 501(c)(3) charitable organization, agreed upon between the Parties, whose mission is consistent with Title VII's prohibitions against sexual harassment. Additional conditions precedent to Carrols' obligation to make certain individual payments shall apply as set forth in Exhibit B.

INJUNCTIONS

12. Carrols and its managers, supervisors, officers and agents are enjoined from harassment toward any of the Claimants or any other female because of her sex.

13. Carrols and its managers, supervisors, officers and agents also are enjoined from retaliating against any of the Claimants or any other female who has complained of sexual harassment, opposed discrimination, filed a charge of discrimination, or who gives testimony or assistance concerning the investigation or litigation of sexual harassment charges or lawsuits filed under Title VII.

POSTING AND NOTICES

14. Within thirty (30) days of entry of this Decree, Carrols will display the EEOC poster, a copy of which is attached as Exhibit C, at all its store locations where other notices to employees are regularly posted.

15. Within thirty (30) days of entry of this Decree, Carrols will display the Notice attached as Exhibit D at all store locations which were in existence on January 1, 2012, on a bulletin board where other notices to employees are regularly posted.

16. Within ninety (90) days of entry of this Decree, Carrols will display the Notice attached as Exhibit D at all store locations it acquired after January 1, 2012, on a bulletin board where other notices to employees are regularly posted.

TRAINING

17. Commencing within ten (10) days of entry of this Decree, Carrols will provide all new employees, within their first three (3) days at work, an E-learning training program that includes a module on recognizing, preventing, and eliminating sexual harassment in the workplace. This training program will be done on a computer at the work location provided by Carrols. The E-learning material will clearly make known that all employees have the right to work in an atmosphere which is free from sexual harassment, and that harassment in any form will not be tolerated. It also will include instruction on how to lodge a harassment complaint, including a list of personnel, by title and phone number, to whom such complaints may be addressed. In the event that a harassment complaint arising out of the employee's restaurant is substantiated, the employee and his or her co-workers will receive group re-training in these topics, such training to be provided in person by the Regional Human Resources Manager ("Regional HR Manager") or his or her designee within thirty (30) days of the conclusion of the investigation.

18. Within six (6) months of entry of this Decree, Carrols will revise its electronic record-keeping system so as to allow retrieval of lists of names and titles of employees and managers who have completed E-learning in a consolidated format by name and restaurant (hereinafter "roll-up").

19. Commencing within ten (10) days of entry of this Decree, Carrols will provide all Restaurant Managers, Assistant Managers, and Shift Supervisors, within four (4) weeks of hire or promotion, a unit of no fewer than two (2) hours of formal in-person training on Human Resources issues, including training on anti-discrimination, anti-harassment, and anti-retaliation laws. If trainers are not available during the four (4) week period, this unit will be provided as early as is reasonably practicable within the training program required for each of these

managers and supervisors. The training sessions will be conducted by the Training Manager or the Regional HR Manager during the existing management certification program. This training unit will emphasize managerial employees' obligation not only to refrain from harassment of and retaliation against any employee, but to report any harassment that they observe or that is reported to them. Carrols will also incorporate into the training of shift supervisors and managers material addressing the special needs of teenaged workers with respect to preventing and remedying sexual harassment. The training further will inform managerial employees that their annual appraisal will include review of their performance in these areas, as referenced in paragraph 35 below, and will explain to them how they will evaluate, and be evaluated, on compliance with Carrols' policies. Written materials on these topics will be provided to all managerial employees.

20. Commencing within ten (10) days of entry of this Decree, all Regional Vice-Presidents, Regional HR Managers, District Supervisors, Restaurant Managers, Assistant Managers, and Shift Supervisors, within six (6) months of hire or promotion, also will attend an approximately five (5)-hour training course, "Shades of Harassment," unless they have already taken that course prior to promotion.

21. Commencing with the first annual supervisors conference ("Annual Supervisors' Conference") held after the date of entry of this Decree, at each Annual Supervisors' Conference all Regional Vice-Presidents, Regional HR Managers, and District Supervisors will attend a training module of at least one (1) hour concerning Carrols' policies and procedures and federal laws against harassment, discrimination, and retaliation, and on how to investigate complaints of sexual harassment.

22. Commencing with the first annual multi-day meeting for Regional HR Managers ("Annual Regional HR Managers' Meeting") held after the date of entry of this Decree, at each Annual Regional HR Managers' Meeting, all Regional HR Managers will attend a multi-day corporate-level seminar which will include training on laws against discrimination; managing a diverse workforce, including teenaged workers; how to investigate complaints of sexual harassment, consistent with the company's guidelines; and legal developments with respect to harassment. The training sessions will be conducted by Carrols' General Counsel. This training will include the use of videos and other written materials concerning sexual harassment, and tests to confirm managers' knowledge at the seminar's conclusion.

23. Commencing within sixty (60) days of entry of this Decree, Carrols will pay for Regional HR Managers' membership in SHRM and offer Regional HR Managers the opportunity to attend periodic HR seminars and programs.

24. Except for the roll-up to be implemented pursuant to Paragraph 18, *supra*, within thirty (30) days of entry of this Decree, Carrols will maintain records containing, but not limited to, the dates of the above trainings, names and titles of attendees, and agendas for the trainings. For the roll-up to be implemented pursuant to Paragraph 18, *supra*, Carrols will commence maintaining such records upon implementation.

ANTI DISCRIMINATION POLICIES

25. Commencing within ten (10) days of entry of this Decree, at the time Carrols provides the E-learning training described in Paragraph 17 above, Carrols will provide and review with all new employees a pamphlet entitled "Recognizing, Preventing and Eliminating Sexual Harassment" (a copy of which is attached hereto as Exhibit E), which includes a copy of Carrols' policy, "Preventing and Eliminating Sexual Harassment." That pamphlet has a tear-out form which states "the Carrols Corporation Sexual Harassment policy has been explained and

reviewed with me and I understand its contents. I have received a copy of the Carrols Corporation Sexual Harassment Booklet." Managers will be instructed that it is their responsibility and obligation to secure a signed acknowledgment form from each new hire provided with these materials, and that their annual performance appraisals as referred to in Paragraph 35 below will include evaluation of their compliance with this responsibility and obligation. Within one week of completion, acknowledgement forms so obtained will be placed in employees' personnel files maintained at the restaurant of their employment and in personnel files maintained at the applicable regional office. The E-learning module, once the roll-up provided for in Paragraph 18, *supra*, is implemented, also will include a mechanism by which the employee acknowledges completing the training and receiving the pamphlet, records of which will thereafter be maintained electronically. Within ninety (90) days of entry of this Decree: (a) Carrols' anti-harassment policies and complaint reporting contact information will be made available on Carrols.com, with a hyperlink to Carrolsethics.com; and (b) Carrols' anti-harassment policies and complaint reporting contact information available on Carrols.com will be made available on Carrolsethics.com with an on-line reporting feature for employees to file complaints of sexual harassment, including anonymously. The anti-harassment policies and complaint reporting contact information also will be made available in Carrols restaurants in a three-ring binder near the bulletin board where all employee notices and policies are regularly displayed. Finally, Carrols will provide Restaurant Managers with additional copies of the policies and will inform employees of the policies' availability by notice in all of the locations described above.

26. Within one hundred and twenty (120) days of entry of this Decree, Carrols will delete any and all language in its policy, "Preventing and Reporting Sexual Harassment," and its

PowerPoint training program, "Sexual Harassment Training," that references "false" and/or "malicious" harassment complaints or potential sanctions for such complaints. Carrols will not include the deleted language in any policies, procedures, or training relating to sexual harassment. Within one hundred and twenty (120) days of entry of this Decree, Carrols will delete any and all language in its pamphlet, "Recognizing, Preventing and Eliminating Sexual Harassment," its policy "Preventing and Reporting Sexual Harassment," and its E-learning training program indicating that non-supervisory employees are "obligated" or otherwise required to report all harassment, including any and all language indicating that employees are obligated to confront the harasser(s) before invoking Carrols' complaint procedure. Carrols will include in written materials and in training a statement that advises non-management employees that one of the steps they can take if harassed is to tell the harasser to stop and that sexual harassment should be reported promptly. Carrols will not include any of the deleted language in any policies, procedures, or training relating to sexual harassment.

27. Within ten (10) days of entry of this Decree, all Carrols policies on sexual harassment will also be available to all managers on the Carrols intranet for managers.

28. Within twenty (20) days after entry of this Decree, Carrols will offer all voluntarily departing hourly employees the opportunity to fill out a written exit interview form for submission to the Regional HR Manager. (See form attached as Exhibit F). Within 120 days after entry of this Decree, Carrols will offer all voluntarily departing managers the opportunity to fill out a written exit interview form for submission to the Regional HR Manager. Carrols will develop the manager written exit interview form within one hundred twenty (120) days of entry of this Decree, and will provide a draft to EEOC for review and approval. Completed interview forms will be transmitted to and maintained in electronic format on a website housed on

Grapevine, in a password-protected database accessible by password protected format by Regional HR Managers, the Corporate Vice-President of Human Resources, the Corporate HR Manager and the Employee Benefits Specialist, within one week of receipt. The notice received by the departing employee will contain his or her unique password-protected log-in code by which he or she can access Grapevine for the purpose of responding to the interview form. These written exit interviews will specifically ask whether sexual harassment occurred at the restaurant where the employee worked, whether Carrols made the employee aware of how and to whom to report any kind of sexual harassment, and whether the employee ever complained of sexual harassment or participated in an investigation of a sexual harassment complaint. The exit interview also will afford an opportunity to provide a narrative response to these questions.

29. Within ten (10) days of entry of this Decree, Carrols' Vice President for Human Resources will receive immediate alerts when he or she receives negative responses to any of the sexual harassment-related exit interview questions. Carrols will investigate any complaint of sexual harassment uncovered in the course of an exit interview in accordance with its regular procedures for investigation of such complaints. Exit interviews including a complaint of sexual harassment will be shared with the appropriate District Supervisor(s) if the District Supervisor will be involved in the investigation of the complaint or if the complaint is determined to be substantiated; however, an exit interview will not be provided prior to investigation to a district supervisor who is the object of a complaint contained in it. Additionally, all responses to the exit interviews will be provided to the appropriate District Supervisor(s) on a semi-annual basis.

COMPLAINT HOTLINE AND DEDICATED EMAIL ADDRESS

30. Within ten (10) days of entry of this Decree, Carrols will maintain a toll free Hotline telephone number run by outside provider EthicsPoint and an email address (the "dedicated email address") for employees to file complaints of sexual harassment, including

anonymously. The Hotline telephone number as of the entry of this decree is 1-800-511-8439; the dedicated email address as of the entry of this decree is www.carrolsethics.com. The Hotline number and the dedicated email address will be contained in the body of the Orientation Handbook, and contact information for the relevant Regional HR Manager and the Vice President for Human Resources at Corporate Headquarters also will be displayed on the inside cover of the Sexual Harassment Pamphlet and will also be included in the materials posted under the anti-harassment tab on Carrols.com and in the linked material on Carrolsethics.com, as provided for in Paragraph 25 above. This contact information, along with that for the relevant District Supervisor, will also be available at each store in the 3-ring binder containing a variety of policies that is accessible to all employees near the bulletin board where notices are normally posted. Carrols reserves the right, upon notice to employees and EEOC and upon consent by EEOC, such consent not to be unreasonably withheld, to change the Hotline telephone number, the outside provider of the hotline telephone service, and the dedicated email address, as long as reasonably equivalent or better service is provided.

31. Within ten (10) days of entry of this Decree, complaints of sexual harassment made through the Hotline or dedicated email, or made to the District Supervisor, the Vice President for Human Resources, or any manager at Carrols, will be referred to the relevant Regional HR Manager or his or her designee, or the designee of Corporate Human Resources, for prompt and thorough investigation. The relevant District Supervisor also will be informed that a complaint has been received, unless the District Supervisor is the object of the complaint or to do so would compromise Carrols' ability to investigate pursuant to its anti-discrimination policy. Carrols will maintain guidelines for investigation of complaints of sexual harassment complaints, including the importance of considering demeanor of complainants and witnesses

and the existence of prior complaints, the maintenance of consistency in complaint resolution, and the importance and manner of informing complainants of investigation outcomes. These guidelines will be reviewed at the Annual Regional HR Managers' Meeting and the Annual Supervisor's Conference referenced in Paragraphs 21 and 22 above. Individuals filing complaints of harassment or interviewed in the course of the investigation will be compensated for their time and given the option to conduct interviews (1) by phone; (2) by interview at the restaurant; or (3) in a meeting outside of their work location if they indicate they do not want to meet at the restaurant.

32. Commencing within ten (10) days of entry of this Decree, any complaints of sexual harassment, whether made to Carrols or via EthicsPoint, and their status will be logged into a spreadsheet maintained by EthicsPoint within a week of the investigation's conclusion. Access to the spreadsheet will be limited to authorized Human Resources and in-house legal staff of Carrols or as may be required by Carrols' corporate governance policies or by law. The spreadsheet is attached as Exhibit G. Additionally, whenever a Regional HR Manager or designee begins investigation of a harassment complaint, he or she (a) will review the spreadsheets in order to learn whether the alleged harasser has been the subject of a prior complaint, and (b) will review the last three audits, as described in Paragraph 34, below, to learn whether the restaurant in question is in compliance with company policies.

33. Within ten (10) days of entry of this Decree, Carrols will maintain the physical records relating to harassment complaints, including investigation and conclusion, in a central location in each of its Regions within one week of an investigation's conclusion. A memorandum reflecting the outcome of the investigation on any claim found to have merit, will

also be included in the accused harasser's personnel file maintained at the store location and shall be provided to the District Supervisor.

AUDITS

34. Commencing within fifteen (15) days of entry of this Decree, Carrols' Regional HR managers will conduct audits of HR practices in Carrols' restaurants as part of the biennial audit of each restaurant that exists at the time the Decree is entered, such that every restaurant is audited at least once by the conclusion of the term of this Decree, and will provide the results to outside counsel of record for Carrols. As part of the audits, the Regional HR Manager will conduct meetings with groups of no fewer than three (3) employees. The audit will include questions about whether any employee has been the victim of, or observed sexual harassment of another employee at their restaurant. Individuals interviewed in the course of the audit will be compensated for their time and given the option to conduct interviews (1) by phone; (2) by interview at the restaurant; or (3) in a meeting outside of their work location if they indicate they do not want to meet at the restaurant. The audit form is attached as Exhibit H. Carrols reserves the right, upon notice to EEOC and upon consent by EEOC, such consent not to be unreasonably withheld, to change the audit form. Employees not interviewed personally by the Regional HR Manager shall be provided the audit interview form to complete manually. Any complaint lodged in the course of the audit will be logged in the spreadsheet referenced in Paragraph 32 and investigated according to company policy.

MANAGER EVALUATION FORMS

35. Within ten (10) days of entry of this Decree, evaluation forms for all Restaurant Managers, Assistant Managers and District Supervisors will include a criterion of adherence to EEO policies of Carrols. In particular, the Checklist of Appraisal Characteristics for Managers form will include the following question: "To what extent does the individual take measures to

prevent sexual harassment and discrimination and comply with federal, state and local employment law?" Reviewing managers will be requested to explain, in the comments portion of the review form, the basis for the rating assigned in this category. During the management training described above in Paragraph 19, managers will be informed in writing about the criteria for assessing this factor, including whether all required postings are displayed, whether all employees received a copy of the anti-harassment policy at the time of hire, whether the manager has been the subject of or failed to properly handle a sexual harassment complaint, the number of harassment complaints brought by employees in a given store, and feedback gathered from employees during the exit interviews and Regional HR Managers' audits or interviews concerning the overall store environment.

REPORTING AND MONITORING

36. Carrols will make available for inspection and copying any records reasonably related to the enforcement of this Decree, upon twenty (20) days written notice by EEOC, which notice will specify those records that EEOC seeks to inspect.

37. At the close of one hundred eighty (180) days following the entry of this Decree, and following every one hundred eighty (180) day period thereafter, Carrols will provide EEOC with a written summary narrative report on the status of its compliance with each of the paragraphs of this Decree. All materials required by this Decree to be sent to EEOC will be sent by first class mail addressed to Consent Decree Monitor, Equal Employment Opportunity Commission, New York District Office, 33 Whitehall St., 5th Floor, New York, New York 10004, or will be sent by email to Consent Decree Monitor at decreemonitornydo@eeoc.gov.

DURATION OF DECREE AND RETENTION OF JURISDICTION

38. This Decree will remain in effect for two (2) years from the date of entry.

39. The Court retains jurisdiction over this action during the duration of this Decree solely for the purpose of providing relief according to the provisions of this Decree. The matter may be administratively closed but will not be dismissed during the duration of this Decree. Within thirty (30) days after the date set for the expiration of the Decree, the parties will submit a stipulation of dismissal to the Court.

SO ORDERED, ADJUDGED AND DECREED this 10th day of January, 2013.

Frederick J. Scullin, Jr.
Senior United States District Court Judge

APPROVED IN FORM AND CONTENT:

FOR PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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DATED: 1/8/13

FOR DEFENDANT CARROLS CORPORATION

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DATED: 1/8/2013

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DATED: 1/8/2013

OHSUSA:752774434.1

EXHIBIT A

Charges of discrimination referenced in Consent Decree Paragraph 5 in which EEOC will not issue a notice of right to sue and which EEOC will not further process

Name	Charge No.
Wendy McFarlan	160962407
Irene Arthur	165990134
Meneyonne Franklin Hedgepeth	146990359
Ja'Netta Anderson	146990392
Julie Federowicz	165990402
Kristin (Kristen) Marion	160A12045
Pamela Lynn Kurtz	160A01939
Denise Kear	160A10391
Trudy Davis Garner	160A10806
Elese Atkins	160A10807

Exhibit B

Filed Under Seal

Exhibit C

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:
The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

EXHIBIT D

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
TTY: (800)-669-6820
District Office: (212) 336-3721
General FAX: (212) 336-3625

NOTICE TO ALL EMPLOYEES OF CARROLS CORPORATION

This notice is posted pursuant to a Consent Decree entered into by Carrols Corporation (Carrols) and the U.S. Equal Employment Opportunity Commission (EEOC), in resolution of Case No. 98-cv-1772 filed by EEOC in the United States District Court for the Northern District of New York. EEOC alleged that Carrols violated Title VII of the Civil Rights Act by subjecting women employees to sexual harassment and retaliation at a number of its Burger King restaurants around the country. Carrols denied the EEOC's allegations.

Federal law prohibits employers from discriminating against employees and applicants based on sex, national origin, religion, race, color, age, disability or genetic information. Federal law also prohibits employers from retaliating against employees and applicants who complain about or oppose discrimination or participate in any way in lodging a complaint.

Among its provisions, the Consent Decree requires that Carrols:

1. Refrain from harassing or discriminating against any individual because of sex and from retaliating against any person who exercises his or her rights under federal anti-discrimination laws;

2. Pay monetary damages to 89 employees;

3. Revise its written policies prohibiting harassment and retaliation and its procedures for receiving and investigating harassment and retaliation complaints, and make those documents available to all employees in hard copy and electronically;

4. Train restaurant managers, District Supervisors, Regional Human Resources Managers, and Regional Vice-Presidents in how to prevent, investigate, and resolve complaints of harassment and retaliation;

5. Train hourly employees about Carrols' anti-harassment policies and procedures;

6. Adopt measures improving Carrols' recordkeeping with respect to complaints of harassment and retaliation;

7. Make periodic reports to EEOC about its compliance with the Decree.

If you have any questions or complaints of harassment or retaliation, you may contact any of the following:

- Any manager
- Your District Supervisor [phone number]
- Your Regional Human Resources Manager [phone number]
- Carrols' corporate Human Resources department [phone number; www.humanresources.com]
- Carrols' toll-free complaint hotline – 1-800-511-8439
- Carrols' dedicated website for reporting harassment – www.carrolsethics.com

EEOC has offices throughout the United States and you may contact and its toll-free telephone number is 1-800-669-4000. The EEOC may also be contacted through its website at www.eeoc.gov.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE
THIS NOTICE MUST REMAIN POSTED FOR 2 YEARS FROM DATE OF POSTING,
UNTIL _____, 2015.

Exhibit E

Recognizing,
Preventing
& Eliminating
CARROLS
SEXUAL
HARASSMENT
It's Illegal. It's unacceptable. It's not tolerated.
Carrols Corporation and its subsidiary Carrols LLC
968 James Street, Syracuse, NY 13203

Reconocimiento,
Prevención
y Eliminación de
CARROLS
ACOSO
SEXUAL
Es ilegal. Es inaceptable. No se tolera.
Carrols Corporation y su subsidiario Carrols LLC,
968 James Street, Syracuse, NY 13203

TO REPORT HARASSMENT OR FOR FURTHER INFORMATION ABOUT REPORTING AND PREVENTING SEXUAL HARASSMENT AT CARROLS CORPORATION AND ITS SUBSIDIARY CARROLS LLC CALL THE TOLL FREE HARASSMENT HOTLINE AT:

1-800-348-1074 ext. 2318

humanresources@carrols.com

PARA REPORTAR EL ACOSO SEXUAL O
PARA INFORMACION ADICIONAL O
SOBRE EL AVISO Y LA PREVENCION DEL
ACOSO SEXUAL EN LA CORPORACIÓN DE CAR-
ROLS Y SU SUBSIDIARIO CARROLS LLC, LLAME A
LA LINEA DIRECTA
LIBRE DE CARGO DE ACOSO SEXUAL:

1-800-348-1074 ext. 2318

O

ENVIENOS UN CORREO ELECTRONICO A
LA SIGUIENTE DIRECCION DE CORREO ELECTRONICO:

humanresources@carrols.com

El ACOSO SEXUAL ES REAL E ILEGAL

La Corporación de Carrols y su subsidiario Carrols LLC se compromete a mantener un ambiente laboral libre de acoso e intimidación en el cual cada empleado sea tratado con dignidad y respeto.

El Acoso Sexual es un problema serio que pudiera afectar a cualquier empleado de Carrols sin excluir el genero de la persona, raza, edad o posición.

El Acoso Sexual puede tener como consecuencias:

- El deterioro en la moral del empleado, el trabajo en equipo y la confianza.
- El deterioro en la productividad del empleado.
- La perdida de empleados con talento y valor, el aumento de ausentismo y cambio de personal.
- La perdida de trabajo del supervisor o gerente que permite el acoso.
- La perdida de trabajo del ofensor.
- La perdida de respeto y dignidad en el lugar de trabajo para todos los involucrados.
- El impacto negativo de la Compañía en su imagen y reputación publica.
- Consecuencias legales incluyendo daños monetarios y cárcel.

SEXUAL HARASSMENT IS ILLEGAL!

Carrols Corporation and its subsidiary Carrols LLC is committed to maintaining a work environment that is free of sexual harassment and intimidation where every employee is treated with dignity and respect!

Sexual Harassment is a serious problem that may effect all Carrols employees regardless of sex, race, age or position.

Sexual Harassment can result in:

- Decline in employee morale, teamwork and trust.
- Decline in productivity.
- Loss of talented and valued employees.
- Increase in absenteeism and employee turnover.
- Loss of jobs by supervisors or managers who condone harassment.
- Loss of job by harasser.
- Loss of respect and dignity in the workplace for all those involved.
- Negative impact on our Company's public image and reputation.
- Legal remedies including money damages and jail.

¿QUE ES " ACOSO SEXUAL"?

La Comisión De Igualdad De Oportunidades De Trabajo (Equal Employment Opportunity Comission - EEOC) define el acoso sexual como un avance sexual **indeseable**, petición a favores sexuales y otros comportamientos verbales y físicos de índole sexual en donde:

- El sometimiento a tal comportamiento puede ser directo o indirecto como termino o condición al empleo del individuo.
- El sometimiento o rechazo a tal comportamiento es usado como base para hacer decisiones que afecten el empleo del individuo o;
- Dicha conducta interfiera irrazonablemente con el trabajo del individuo, desempeño o que creara un ambiente laboral hostil, intimidador u ofensivo.

El EEOC toma como acto ilegal la represaría en contra de cualquier empleado que reporte, se queje de acoso sexual o participe en investigaciones de acoso sexual.

Tal como lo declara El Gobierno Federal y las cortes,
El Acoso Sexual no solamente es erróneo, pero también esta
EN CONTRA DE LA LEY

WHAT IS "SEXUAL HARASSMENT"?

The Equal Employment Opportunity Commission (EEOC) defines Sexual Harassment as **unwelcome** sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting such individual; or
- Such conduct unreasonably interferes with an individual's work or performance or creates a hostile, intimidating or offensive work environment.

The EEOC also makes it illegal to retaliate against anyone who reports or complains about sexual harassment or participates in investigations of sexual harassment.

As stated by the Federal Government and the courts,
Sexual Harassment is not just wrong, it is
AGAINST THE LAW.

SOME EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment occurs when a manager or someone with supervisory control over another employee promises job benefits, like a raise or promotion, in exchange for sexual favors; or threatens to fire, transfer, give a poor review or take some other negative job related action against the employee if the employee refuses to go along with sexual advances.

For instance:

- A female team member is told by her manager that she will be promoted if she goes out on a date with him and if she refuses, she will not receive the promotion.

- A male shift leader is promised by his female General Manager that he will be made a manager if he has a sexual relationship with her.

- A male accounting manager arranges an out of town training seminar and tells a female supervisor that if she wants to advance with Carrols, she should share a hotel room with him on the trip.

ALGUNOS EJEMPLOS DE ACOSO SEXUAL

El acoso sexual ocurre cuando un gerente o alguien con control supervisorio sobre otro empleado promete beneficios de trabajo, como aumento de sueldo o ascenso, a cambio de favores sexuales; o amenaza de despido, traslado, o dar un mal reporte en la hoja de desempeño o tomar cualquier otra acción negativa en contra del empleado si el empleado rehúsa los avances sexuales.

Por ejemplo:

- El gerente le dice a su empleada que la va ascender si ella acepta salir en una cita y si ella rehúsa, ella no va a recibir aumento salarial.

- El gerente de distrito quien es mujer le promete a un asistente de gerencia que él será promovido a gerente general si él tiene relaciones sexuales con ella.

- Un gerente de informaciones de sistemas planea un seminario fuera de la ciudad y le dice a la ingeniera del grupo que si ella quiere ascender con Carrols, ella debería compartir con él un cuarto en el hotel durante su viaje.

Sexual harassment can also occur when a person, co-worker, supervisor or manager causes or permits the workplace environment to be intimidating, hostile or offensive by his/her unwelcome and inappropriate sexual based behavior:

For instance:

- An employee hangs sexually oriented pictures or calendars or has sexually explicit magazines in his office.
- A female cashier is constantly subjected to lewd jokes and gestures by a regular customer.
- A male office worker is offended and embarrassed by photos of male models displayed on a female employee's computer screensaver.
- A group of male employees like to gather and tell dirty jokes that can be overheard by female employees.
- A male employee "accidentally" rubs up against a female cashier every time he passes behind her during the lunch rush.

El acoso sexual también puede ocurrir cuando una persona, compañero(a) de trabajo, supervisor, gerente causa o permite que el ambiente laboral sea intimidador, hostil u ofensivo por su incomoda e inapropiado conducta basada en un comportamiento sexual:

Por ejemplo:

- Un empleado que cuelga fotografías o calendarios de índole sexuales o que tenga en su oficina revistas explícitamente sexuales.
- Una cajera que este expuesta a chistes y gestos obsceno recibidos de un cliente frecuente.
- Un empleado es ofendido y avergonzado por fotografías de modelos masculinos exhibidos en la pantalla de computadora de una empleada.
- Un grupo de hombres que les guste reunirse y contar chistes sucios que pueden ser escuchados por empleadas.
- Un empleado que accidentalmente se roza contra una cajera cada vez que pasa detrás de ella durante la hora de almuerzo.

COMO RECONOCER COMPORTAMIENTOS DE ACOSO SEXUAL

El acoso sexual puede ser obvio, sutil, hablado o sobreentendido. Este siempre conciente de su propia conducta y pregúntese, "¿Es mi comportamiento ofensivo a mis compañeros de trabajo?"

El acoso sexual puede ser:

- **FÍSICO:** El contacto físico incomodo e indeseable, tal como tocar, tropezar, pellizcar, abrazar, besar, bloqueo de movimientos naturales o ataque físico.

- **VERBAL:** Chistes y lenguaje sucios u ofensivos, amenazas, sonidos, rumores, chismes acerca de la vida sexual de experiencias intima en la vida de una persona. Puede ser avances o proposiciones indeseable, repetidas invitaciones sociales indeseables, silbidos, comentarios degradantes del vestir o características físicas de una persona. También puede ser sobre-nombres o nombre de mascotas, conversaciones sexuales e insinuaciones.

- **NO-VERBAL:** Gestos, ademanes, desconfiado, vestimenta inapropiada, lemas o contenidos sexuales en camisetas, calendarios y protectores de pantallas, libros explícitos de sexo y revistas, objetos o fotos sugiriendo sexo.

RECUERDA:
Dos personas pueden participar en comportamientos con bases sexuales lo cual no es ofensivo para ellos, pero son ofensivas para otros a su alrededor.

SI NO ESTA SEGURO, PREGUNTATE:
"¿Como me sentiria si mis hijos, hermanos, padres o pareja fueran expuestos a este tipo de comportamiento?"

HOW TO RECOGNIZE SEXUALLY HARASSING BEHAVIOR

Sexual harassment can be obvious, subtle, spoken or unspoken. Always be aware of your own conduct and ask yourself, "Might my behavior be offensive to a fellow employee?"

Sexually harassing conduct can be:

- **PHYSICAL**: Unwelcome and unwanted physical contact, such as touching, bumping, rubbing, pinching, hugging, kissing, blocking of normal movement or physical assault.

- **VERBAL**: Dirty or offensive jokes and language, threats, sounds, rumors, gossip about intimate sexual experiences of one's personal life. It can be unwanted sexual advances or propositions, repeated unwanted social invitations, whistling, degrading comments about one's dress or physical features. It can also be suggestive pet names or suggestive nick names, sexual conversations and innuendo.

- **NON-VERBAL**: Gestures, expressions, leering, inappropriate clothing, slogans or sexual content on T-shirts, calendars and screensavers, sexually explicit books and magazines, sexually suggestive objects or pictures.

REMEMBER:
Two people may participate in sexually based conduct not offensive to them, but offensive to others around them.

IF YOU'RE NOT SURE, ASK YOURSELF:
"How would I feel if my child, sibling, parent or spouse were subjected to this type of behavior?"

FREQUENTLY ASKED QUESTIONS

Keep in mind, while these questions and answers are not an all inclusive list, they contain some common questions concerning sexual harassment.

Q: *Can touching or flirting with a willing co-worker or subordinate be considered harassment?*

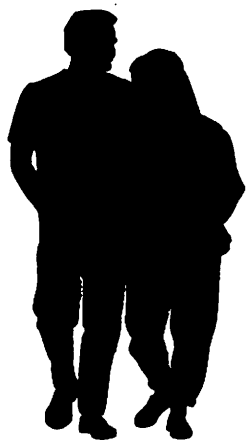
A: It may: if another employee observes it and finds it offensive, then it creates a hostile work environment.

Q: *May a manager or supervisor date an employee that they supervise?*

A: No. Carrols does not permit managers or supervisors to date the employees that they manage or supervise. Such relationships can create the impression of favoritism. Also, if the relationship were to end, it can become a difficult and uncomfortable working relationship for one or both of the individuals involved.

Q: *Can co-workers date?*

A: Yes, as long as their conduct while working does not create a sexually hostile environment for their co-workers. Recognize, however, that if the relationship does not work out, it may be difficult for those involved to comfortably work together. In addition, if your co-worker refuses your request for a date, accept no for an answer and respect that employee's decision.



PREGUNTAS MAS FRECUENTES

Ten en mente que esta lista de preguntas y repuestas no son todas la que pueden haber, estas son las que contienen los puntos más comunes en referencia al acoso sexual.

P. ¿Es considerado acoso si un compañero(a) o subordinado(a) es condescendiente a coqueteos o manoseos?

R. Podría ser considerado; si alguna otra persona encuentra este tipo de comportamiento ofensivo, entonces esto crearía un ambiente laboral hostil.

P. ¿Puede un gerente o supervisor salir en una cita con un subordinado(a)?

R. No. Carrols no permite que un gerente o supervisor salga en una cita con empleados que supervisen. Tal relación puede crear la impresión de preferencia. También, si la relación llegase a terminar, la consecuencia sería difícil e incomoda en la relación laboral para uno o ambos de los individuos involucrados.

P. ¿Pueden compañeros(as) de trabajo salir en citas?

R. Si, teniendo en cuenta que su comportamiento no crea un ambiente sexual hostil para los demás compañeros de trabajo. Ten en cuenta que si la relación no funciona, puede ser incomodo para los involucrados trabajar junto cómodamente. Además, si tu compañero(a) rehúsa tu petición a una cita, acepta un no como repuesta y respeta la decisión de ese empleado.

P. ¿Es Acoso sexual si el repartidor de productos que viene a diario hace comentarios sexuales y llama a la empleada "dulzura" ?

R. Puede ser. Personas que no trabajen para Carrols y clientes no están permitidos ha acosar a un empleado(a) de Carrols. Los gerentes y supervisores deben vigilar e impedir el comportamiento de personas que no trabajen para Carrols y el personal debe de reportar cualquier conducta semejante.

P. ¿Es posible que un solo comentario o incidente pueda constituir como acoso sexual?

R. Una sola petición de sexo en conexión con aumento de sueldo u otros beneficios de trabajo puede ser acoso sexual. Adicionalmente, un acto severo o una serie de actos menos puede constituir conducta ofensiva.

P. ¿Es considerado acoso sexual el que un empleado de contabilidad tenga un protector de pantalla que exhiba celebridades masculinas en poses sugestivas y en diferente estado de desnudes?

R. Puede ser. Dependiendo en la índole de las fotos, es posible que esto contribuya a un ambiente laboral hostil y sin profesionalismo.

P. ¿Es considerado acoso sexual si un empleado hombre hostiga a otro empleado hombre?

R. Avances sexuales indeseable son considerados acoso sexual, aunque estos avances indeseables sean hechos por miembros del mismo sexo u opuesto.

Q: *Our daily delivery person makes sexual comments and calls the female employees "honey." Is this sexual harassment?*

A: It may be. Non-employees and customers are not allowed to sexually harass Carrols employees. Managers and supervisors should monitor and deter such non-employee conduct and employees should report any such conduct.

Q: *Can one sexual comment or incident constitute sexual harassment?*

A: A single sexual request when linked to a raise or other job benefit can be sexual harassment. Also, one unusually severe act or a series of lesser acts may be considered offensive conduct.

Q: *An accounting clerk has a screensaver showing male models in suggestive poses and in different states of undress. Is this sexual harassment?*

A: Maybe. Depending on the nature of the photos, it is possible that they contribute to a hostile and unprofessional work environment.

Q: *Is it sexual harassment if a male employee sexually harasses another male employee?*

A: Unwelcome sexual advances are considered sexual harassment, whether they are made by a member of the same or opposite sex.

Q: *Who can be a sexual harasser?*

A: The harasser can be a man or a woman. He or she can be the victim's supervisor, any management employee, co-worker or non-employee.

Q: *An employee receives, sends or forwards sexual photos or messages over the Carrols e-mail network to fellow employees and non-employees. If they do not offend the people receiving them, is this sexual harassment?*

A: Sexually based photos and e-mail messages can contribute to a hostile environment. Even if the recipient is not offended, someone nearby who sees the photos or reads the e-mails might be offended. In addition, this activity is clearly a violation of Carrols' computer and internet use policies. Remember, Carrols has the right to monitor all e-mail communications.

Q: *If most employees go along with the "horseplay," can one offended employee claim sexual harassment?*

A: Yes. Sexual harassment is subjective and people may have different reactions to similar behavior or words. Think about how certain jokes can affect people of different races or national origins. The same wide range of reactions can occur with sexual conduct.

Have a question of your own about sexual harassment?
Ask your supervisor or manager. Or, if you are uncomfortable approaching your manager or supervisor,
or wish to ask a question anonymously, call the
Carrols Toll-Free Harassment Hotline
1-800-348-1074 ext. 2318

P. ¿Quién puede ser un acosador sexual?

R. La persona que acosa puede ser hombre o mujer. El o ella puede ser la víctima del supervisor, cualquier empleado de gerencia, compañero de trabajo o cualquier persona que no trabaje en la compañía puede ser un acosador sexual.

P. ¿Es considerado acoso sexual cuando un empleado que recibe, envía o pasa fotos o mensajes sexuales por el correo electrónico de Carrols a compañeros de trabajos o personas que no trabajan para la compañía. Aun cuando lo recíprocas no se sientan ofendidos?

R. Fotografías o mensajes electrónicos con contenido sexual pueden contribuir a un ambiente laboral hostil. Aun cuando la persona recibiéndolo no se sienta ofendido(a), pero alguien cerca que vea la foto o lea el correo electrónico pueda que se sienta ofendido(a). Además, esta actividad claramente viola la política de Carrols con referencia al uso de la computadora e Internet de la compañía. Carrols tiene el derecho de vigilar toda comunicación en el correo electrónico.

P. ¿Puede un empleado denunciar acoso sexual aun cuando la mayoría de los empleados están de acuerdo con "el juego de mano"?

R. Sí. El acoso sexual es subjetivo y las personas pueden tener diferentes reacciones a comportamientos o palabras similares. Piensa como algunos chistes pueden afectar a personas de diferentes razas o nacionalidades. La misma gran variedad de reacciones puede ocurrir con las conductas sexuales.

¿Tienes alguna pregunta en referencia al acoso sexual? Pregúntale a tu supervisor o gerente. O, si te es incomodo preguntale a tu supervisor o gerente o si deseas hacer una pregunta anónima, llama a la línea libre de cargo de acoso.
Carrols Toll-Free Harassment Hotline
1-800-348-1074 ext. 318

LA CORPORACION DE CARROLS Y SU SUBSIDIARIO CARROLS LLC NO PERMITIRÁ EL ACOSO SEXUAL COMO PARTE DEL AMBIENTE LABORAL

Los siguientes son los pasos que Carrols esta haciendo para prevenir acoso sexual en el lugar de trabajo.

- **Estableció Políticas y Procedimientos escritas**: Carrols tiene un entendimiento, pro-activo y una política agresiva para eliminar el acoso sexual del lugar de trabajo. Proveyéndole a sus empleados un lugar de trabajo libre de acoso sexual. Esta política incluye penalidades severas para los acosadores, personas que permiten el acoso o personas que toman represaría a quienes se quejan de acoso. (Una copia completa de las políticas de Carrols con referencia a acoso en el lugar de trabajo esta incluida al final de este folleto.)
- **Entrenamiento del Personal y Gerencia**: Todos los empleados y gerentes de Carrols reciben un entrenamiento extenso y continuo en referencia al acoso sexual. Además, Carrols promueve conciencia diaria a potenciales situaciones y alienta que reporten cualquier acontecimiento de índole acosador.
- **Establece Procedimiento de Quejas**: Carrols toma acción rápida e inmediata cuando se descubre, se reporta o se sospecha acoso sexual. Todas las quejas son tomadas muy seriamente y el personal tiene la responsabilidad dé reportar inmediatamente a la gerencia cualquier incidente semejante. Todo empleador,incluyendo Carrols, tiene la responsabilidad de asegurarse que nadie tome represaría en contra de las personas que se oponen o reportan acoso o participan en una investigación. Aun más, Carrols protegerá la confidencialidad de una victima e investigara la queja lo mejor que se pueda.
- **Hace cumplir las Políticas de Carrols**: Carrols disciplinara a cualquier empleado que este comprometido, halla permitido o tomado represaría sobre acoso sexual. Carrols mantendrá archivos exactos de todas las investigaciones y hallazgos para asegurarse que empleados que se oponen o reportan acoso sexual estén protegidos de represarías.

CARROLS CORPORATION AND ITS SUBSIDIARY CARROLS LLC WILL NOT PERMIT SEXUAL HARASSMENT TO BE A PART OF ITS WORKPLACE!

Here is what Carrols is doing to prevent Sexual Harassment in the Workplace.

- **Established Written Policy & Procedures**: Carrols has a comprehensive, proactive and aggressive policy towards eliminating sexual harassment from its workplace and providing its employees with a workplace free of harassment. This policy includes severe penalties for harassers, employees who condone harassment, or people who retaliate based on claims of harassment. *(A complete copy of the Carrols Sexual Harassment Policy is included at the end of this booklet.)*
- **Employee and Management Training**: All Carrols employees and managers receive extensive and ongoing sexual harassment training. In addition, Carrols promotes daily awareness to potential harassment situations and encourages immediate reporting of any such occurrences.
- **Established Complaint Procedure**: Carrols will take swift and immediate action whenever sexual harassment is discovered, reported or suspected. All complaints will be taken seriously and employees have a duty to promptly report any such incidents to management. All employers, including Carrols, have a duty to make sure that nobody retaliates against employees who oppose or report harassment or participate in investigations. Furthermore, Carrols will protect the confidentiality of a victim and investigate the claim to the best of its ability.
- **Enforce the Carrols Policy**: Carrols will discipline any employee found to have engaged in, condoned or retaliated based on sexual harassment. Carrols will maintain accurate records of all investigations and findings while ensuring that employees who oppose or report sexual harassment are protected from retaliation.

REPORTANDO ACOSO SEXUAL

- Toma acción inmediata: Si tu crees que te están acosando, dile a los involucrados que su comportamiento es incomodo y que debe de parar inmediatamente. La mayoría del tiempo, esto detiene el comportamiento ofensivo. Algunos empleados pueden pensar que su comportamiento es ofensivo "juego de mano", por eso es importante que hables si te es cómodo hacerlo.

- **REPORTA - REPORTA - REPORTA:** Aunque sea un incidente o muchos, menor o mayor, reporta el incidente y todos los detalles e informacion a algunas de las siguientes personas:

  - Supervisor, Gerente del Restaurante, Supervisor de Area
  - A cualquier empleado de gerencia
  - Al Departamento de Recursos Humanos
  - Al Departamento Legal
  - A cualquier oficial de Carrols

RECUERDA:
Linea de Carrols Libre de Cargo
Para Acoso Sexual 1-800-348-1074 ext. 2318

- **Investigar:** Carrols inmediatamente investigara profundamente cualquier reporte o queja de acoso sexual y, garantiza, tomar pronta acción correctiva.

TU ESTAS LEGALMENTE PROTEGIDO(A) CONTRA EL ACOSO SEXUAL Y DE LA REPRESARIA EN REPORTAR EL ACOSO SEXUAL

REPORTING SEXUAL HARASSMENT

- **Take Immediate Action:** If you believe you are being harassed, tell those involved that their conduct is unwelcome and must stop now. Most of the time, that should stop the offensive behavior. Some employees may think their conduct is innocent "horseplay." so it is important to speak up if you feel comfortable doing so.

- **REPORT - REPORT - REPORT:** Whether it is one incident or many, minor or extreme, report the incident and all details and information to any of the following persons:

  - Restaurant Manager or Assistant Manager
  - Any Management Employee
  - Human Resources Department
  - Any Officer of Carrols

REMEMBER:
Carrols Toll-Free Harassment Hotline
1-800-348-1074 ext. 2318

- **Investigate:** Carrols will immediately and thoroughly investigate any report or claim of sexual harassment and, if warranted, take prompt corrective action.

YOU ARE LEGALLY PROTECTED AGAINST SEXUAL HARASSMENT AND RETALIATION FOR REPORTING SEXUAL HARASSMENT!

¡ El lugar de trabajo en la Coporación de Carrols y su subsidiario Carrols LLC es TU lugar de trabajo!

Hagamos de este el mejor lugar de trabajo manteniéndolo libre de acoso sexual.

- Este conciente de cualquier comportamiento tuyo o de tu compañero/s de trabajo.
- Fomentar el que se reporte e investigue temprano el supuesto acoso sexual.
- Ten en cuenta la sensibilidad y sentimientos de tus compañeros.
- Fastidiar o coquetear puede parecer natural y divertido para algunos, pero para otros puede ser incomodo.

¡Carrols y todos sus empleados deben de trabajar juntos para mantener Carrols LIBRE de Acoso Sexual!

PREVENTING SEXUAL HARASSMENT AT CARROLS CORPORATION AND ITS SUBSIDIARY CARROLS LLC

The Carrols Workplace is YOUR Workplace!

Let's make it the best workplace it can be by keeping it free of sexual harassment.

- Be aware of any inappropriate conduct by you or your co-workers.
- Encourage early reporting and investigation of alleged sexual harassment.
- Be considerate of co-workers' sensitivities and feelings.
- Teasing or flirting may appear good-natured and fun to some, but it may be unwelcome to others.

Carrols and all of its employees must work together to keep Carrols FREE of Sexual Harassment!

POLÍTICA Y PROCEDIMIENTO DEL DEPARTAMENTO

Tema: Prohibición de Acoso Sexual

No. De Instrucción: 105

Fecha en Efecto: 5/23/00
Reemplaza: 6/1/99

Afecta a: Todos los Empleados

Aprobado por: Joseph A. Zirkman
Titulo: Consejo General

INFORME SOBRE LA POLÍTICA

La política Carrols , sus subsidiarios y divisiones es la de mantener un ambiente laboral en el cual todos los empleados sean tratados con respeto y dignidad. La Compañía prohíbe acoso de todo tipo, incluyendo acoso basada en el genero de la persona, origen, orientación sexual o invalidez mental o física. Todas las personas tienen el derecho de trabajar en un ambiente libre de prácticas y comportamiento discriminatorio, incluyendo acoso sexual. El propósito de esta política es de (i) educar a todos nuestros empleados sobre el tipo de conducta que constituye acoso sexual, (ii) notificarle a todos los empleados que la Compañía no perdonará o tolerará el acoso sexual y (iii) establecer un procedimiento de investigar acoso sexual (iv) que urja a cualquier persona que sienta que ha sido objeto de acoso sexual a reportarle esta conducta a los representantes de la Compañía, (v) notificar empleados que nadie que reporte casos de acoso sexual tendrá represarías en su trabajo (vi) quienes llevarán a cabo una investigación y, si fuera necesario, tomarán acción disciplinaria contra la persona responsable del acoso sexual.

DEFINICIÓN DE ACOSO SEXUAL

La Comisión de Igualdad de Oportunidades de Trabajo (la "EEOC") define el acoso sexual como:

> *avances sexuales indeseables, o como la petición de favores sexuales y otras conductas indeseables, ya sean de forma verbal o escrita, o que conlleven a un comportamiento físico de índole sexual. Como lo define la EEOC, el acoso sexual incluye una conducta indeseable o indigna basada en el género de la persona: (i) cuando la sumisión o el rechazo a causa de esta conducta afecta decisiones referentes a la contratación, (ii) evaluación, ascenso, o cualquier otro aspecto relacionado con el empleo; o (iii) cuando tal conducta interfiere de forma trascendental con el empleo de aquel o aquella persona, o resulta en un ambiente de trabajo amenazador, hostil, u ofensivo.*

No es fácil definir exactamente qué acciones o qué forma de comportamiento constituirán acoso sexual en un caso particular debido a que este dependerá de hechos y circunstancias específicas, incluyendo qué tan exagerada, insultante, o seria la conducta es. Acoso sexual puede existir aunque no exista un interes seductivo o romántico detrás de la conducta.

CARROLS CORPORATION
AND ITS SUBSIDIARY CARROLS LLC
PERSONNEL POLICY AND PROCEDURE

Subject: Preventing and Eliminating Sexual Harassment	Instruction No: 105 Effective Date: 5/23/00 Supersedes: 6/1/99
Subject: All Employees	Approved by: Joseph A. Zirkman Title: General Counsel

POLICY STATEMENT

It is the policy of Carrols Corporation., its subsidiaries and divisions (collectively the "Company"), to foster and maintain a workplace in which all individuals are treated with respect and dignity. The Company prohibits harassment of any kind, including harassment based upon race, national origin, sexual orientation, or mental or physical disability. All Carrols employees have the right to work in an environment, which is free from discriminatory practices and behavior, including sexual harassment. The purpose of this Policy is to (i) educate all of our employees about what conduct may constitute sexual harassment, (ii) advise all employees that the Company will not condone or tolerate sexual harassment, (iii) establish procedures for investigating complaints of sexual harassment, (iv) encourage employees who feel they have been subjected to sexual harassment to report such conduct to representatives of the Company, (v) advise employees that no one who reports or complains about sexual harassment will be retaliated against in any manner, and (vi) to advise employees that Carrols has established disciplinary measures for employees who engage in sexual harassment, who condone harassment or retaliate based upon claims of harassment.

DEFINITION OF SEXUAL HARASSMENT

The Equal Employment Opportunity Commission (the "EEOC") defines sexual harassment as:

> *unwelcome sexual advances, requests for sexual favors and other unwelcome verbal, written or physical conduct of a sexual nature where, (i) an employee's submission to or rejection of this conduct is made either explicitly or implicitly a term or condition of employment; (ii) submission to or rejection of this conduct by an individual is used as the basis for decisions regarding hiring, evaluation, promotion or any other aspect of employment; or (iii) when such conduct substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive work environment.*

Actions and conduct which will constitute sexual harassment are not easily defined in all cases. Each particular case will depend on the specific facts and circumstances, including how pervasive, abusive or serious the behavior. Sexual harassment may exist even when there is no romantic or seductive intent behind it. What the offending person may think is consensual or voluntary may still be "unwelcome" to the offended person. Examples of inappropriate behavior or actions which may constitute sexual harassment include, but are not limited to:

- → expressed or implied demands for sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or promises of continued employment;
- → expressed or implied threats to fire, transfer or give a poor review or take some other negative job action against an employee who fails to go along with sexual advances;
- → unwelcome sexual advances;
- → coerced sexual acts;
- → physical conduct such as touching, rubbing, pinching, massaging, brushing up against another person or staring in a sexual or suggestive manner;
- → graphic, verbal comments about an individual's body or sexuality;
- → repeated sexual jokes, sexual language, sexual epithets, sexual gossip, sexual comments or sexual inquiries;
- → repeated and unwelcome flirtations, advances or propositions;
- → repeatedly asking an individual for a date after the individual has indicated that he or she is not interested;
- → sexually suggestive, or obscene comments or gestures;
- → the display in the workplace of graphic and sexually suggestive objects, pictures or graffiti;
- → using the e-mail or voice system to make sexual advances, unwelcome flirtations or propositions or to send messages containing sexually suggestive pictures, cartoons or jokes;
- → sexually suggestive slogans on tee-shirts, calendars, screensavers, books and magazines;
- → negative statements, disparaging remarks or horseplay consistently targeted at one gender (either men or women), even if the content of the verbal abuse is not sexual in nature.

Lo cual la persona que comete el acoso piense que su conducta sea agradable al empleado/a puede ser indeseable a la persona a quien se le comete el acoso. Ejemplos de comportamiento y acciones que pueden constituir acoso sexual incluyen, pero no es limitada a:

- → expresadas o implícitas demandas sexuales a cambio de hojas de deempeños favorables, ascenso, empleo continuo, promesas de empleo continuo;
- → expresadas o implícitas amenazas de despido, traslado u hojas de desempeño no favorables, u otro tipo de acción negativa contra el empleado que no este de acuerdo con los avances sexuales;
- → avances sexuales indeseables;
- → forzar actos sexuales;
- → conducta física como tocar, pasar la mano, masaje, pellizcar o acometer el cuerpo de un individuo, o mirarlo(a) de una forma sexual o sugestiva;
- → comentarios gráficos o verbales sobre el cuerpo de un individuo o su sexualidad;
- → la repetición de bromas de tipo sexual, lenguaje sexual, adjetivos sexuales, chismes sexuales, comentarios sexuales o indagaciones sexuales;
- → la repetición de coqueteo indeseables, avances o proposiciones;
- → pedirle de forma continua a un empleado una cita, después de que él o ella han indicado no estar interesados;
- → hacer sugestiones sexuales, o comentarios o gestos obscenos;
- → exponer en el trabajo gráficos u objetos, fotos o gráfitos con indicaciones sexuales;
- → uso de correo electrónico o automático para hacer propuestas de tipo sexual, coqueteos indeseables o proposiciones, o para enviar mensajes que contengan fotos con insinuaciones sexuales, caricaturas, o chistes.
- → declaraciones negativas o comentarios denigrantes que estén dirigidos de forma consistente hacia un género (ya sea masculino o femenino), inclusive si el contenido del abuso sexual no tiene índole sexual; o
- → sugerencia sexuales escritas en camisetas, calendarios, protector de pantalla, libros o revistas;
- → Declaraciones negativas o comentarios que desprecien de forma consistente y que estén dirigidos hacia un grupo (ya sea hombres o mujeres), aunque el contenido del abuso verbal no sea de índole sexual, o

The type of behavior described in the preceding section is unacceptable not only in the workplace, but also in other work-related settings such as business trips or Company sponsored social events. In addition, such behavior is also prohibited when directed toward non-employees, such as job applicants, delivery personnel, service personnel, visitors and, of course, customers to the restaurants.

As described above, the use of the Company's e-mail or voice mail systems in violation of this policy is prohibited; employees are reminded that e-mail and voice mail messages are monitored by the Company, and no employee should expect such messages are private.

INDIVIDUALS COVERED BY THIS POLICY

This policy covers all officers, directors, and employees of Carrols, its subsidiaries and divisions. Sexual harassment, whether engaged in by co-workers, supervisors, officers or by non-employees with whom employees come into contact in the course of employment (i.e., the Company's service providers or contractors), is contrary to this policy and will not be tolerated. The Company encourages the reporting of all incidents of sexual harassment, regardless of who the offender may be and will not tolerate any retaliation against individuals who decline sexual advances or bring complaints about harassment or who participate in investigations regarding harassment.

REPORTING A COMPLAINT

The Company encourages individuals who believe they have been or are being harassed to promptly advise the alleged offender that his or her behavior is unwelcome. In many circumstances however, an employee may be uncomfortable confronting that person, especially if the harasser is the employee's manager or supervisor. Therefore, whether or not you decide to confront the alleged harasser, the Company asks that individuals who believe they have been subjected to sexual harassment report the incident to any of the following persons:

- → Restaurant hourly employees are to notify the Restaurant Manager Assistant Resturant Managers, the District Supervisor or the Region Human Resource Manager.
- → Restaurant Managers and Assistant Managers are to notify the District Supervisor, the Region Human Resource Manager or the Regional Director or Vice President.
- → Corporate staff employees are to notify their immediate supervisor or the home office Human Resources Department.

El tipo de comportamiento precedente que se ha descrito es inaceptable no solamente en el lugar de trabajo, sino también en ambientes vinculados con el trabajo, tales como viajes de negocios o eventos sociales que se relacionen con el trabajo. Además, tal comportamiento también está prohibido cuando está dirigido hacia aquellas personas que no están empleados por la compañía, tal como personas que solicitan empleo, personal de entrega, personal de servicio, visitas y, por supuesto, a los clientes de los restaurantes.

Como se ha descrito con anterioridad, el uso del correo electrónico o del contestador automático es una violación a la política de la compañía y es prohibido. Se les recuerda a los empleados que el uso del correo electrónico o del sistema de contestador automático está vigilado por la compañía y ningún empleado deberá asumir que estos mensajes son privados.

PERSONAS CUBIERTAS BAJO ESTA POLÍTICA

Esta política cubre a todos los oficiales, directores y empleados de Carrols y sus subsidiarios y divisiones. El acoso sexual, ya sea que se haya llevado a cabo entre los empleados, supervisores, oficiales o por aquellos que no sean empleados pero que estén en contacto con la Compañía durante el transcurso del empleo (por ejemplo, proveedores de servicio o contratistas de la Compañía), es adverso a esta política y no se tolerará. La Compañía urge a que se reporten todos los incidentes de acoso sexual, sin importar quien sea el ofensor y no tolerara represarías en contra de individuos que rehúsen avances sexuales o taigan quejas de acoso o que participen en investigaciones de acoso.

CÓMO REPORTAR UNA DEMANDA

La Compañía urge a aquellos individuos que piensan que están siendo acosados a que le notifiquen a la persona que supuestamente los está ofendiendo, de forma firme y con prontitud, que su comportamiento es indeseable. Sin embargo, también reconocemos que en algunas circunstancias el empleado puede sentirse incómodo de encarar al ofensor/a, particularmente si el ofensor/a es el supervisor o gerente del empleado. Por lo tanto, aunque decida encarar al ofensor/a para discutir el incidente, la Compañía sugiere que aquellos empleados que piensan que están siendo atormentados por acoso sexual le reporten el incidente a cualquiera de las siguientes personas:

- → Empleados por hora deben de notificar al Gerente General, Asistente de Gerencia, Supervisor de Distrito o el Gerente de Recursos Humano de la Región
- → Gerente General, Asistente de Gerencia deben de notificar al Supervisor de Distrito o al Gerente de Recursos Humano de la Región.
- → Empleados Corporativos deben de notificar a su supervisor inmediato o en la oficina al Departamento de Recurso Humanos.

De la misma manera, cualquier empleado que se sienta incómodo debe de notificar a cualquiera de los empleados mencionados con anterioridad o directamente al Departamento Legal. Los empleados pueden llamar a la línea gratuita 1 (800) 348-1074 ext. 2318.

Se les aconseja a los empleados que reporten el acoso antes de que este problema se agrave o empeore. Incidentes ocasionales de acoso no son necesariamente violaciones de la ley, especialmente si la persona ofendida no especifica que el acoso es indeseable. Sin embargo, a pesar de que un patrón de tales incidentes puede ser ilegal, es importante reportar esta conducta antes de que se convierta en un problema serio.

La Compañía urge a que las demandas se reporten con prontitud para poder actuar de forma rápida y apropiada. Sin embargo, debido a la sensibilidad de estos problemas, la Compañía no impone un tiempo límite para que se reporten demandas sobre acoso sexual. El que se reporten estas demandas tarde, de ninguna manera impedirá que la Compañía responda a la demanda. Los empleados deberán reconocer, sin embargo, que mientras más tiempo pasa después del incidente, más difícil será para la compañía llevar a cabo una investigación completa, precisa y minuciosa, y tomar acción efectiva. Todos los empleados tienen el derecho de reportar, en cualquier momento, el acoso sexual a la Comisión de Igualdad de Oportunidades Laborales (EEOC) o a sus agencias estatales o locales.

PROTECCIÓN CONTRA LA REPRESARÍA

La Compañía, bajo ninguna circunstancia, tomará una acción de represaría contra aquella persona que origine un reporte legítimo sobre una indicación de acoso sexual y, de la misma forma, tampoco permitirá que ningún oficial o empleado de la Compañía participe en aquel tipo de comportamiento malévolo. Involucrarse en cualquier tipo de represaría contra individuos que participen o inicien investigaciones de acoso sexual es un cargo serio de la política de la Compañía. Cualquier persona que de forma directa o indirecta tome represaría contra otro individuo por reportar o percibir actos de acoso sexual o participar en una investigación de acoso sexual será sujeto a acción disciplinaria que puede llegar a incluir que se le despida de la compañía. La represaría es una infracción seria contra la política referente a acoso sexual en la Compañía. Cualquier persona que sienta que ha sido víctima de actos de represaría deberá reportar esta conducta de inmediato.

ACOSO SEXUAL POR PERSONAS QUE NO SEAN EMPLEADOS

La Compañía también urge a las personas a que reporten actos que se perciban como acoso sexual por parte de individuos que no sean empleados, tales como vendedores, personal bajo contrato, otros proveedores que sirvan a la Compañía y otras personas que no sean empleados. Además, acoso sexual por empleados de Carrols a no empleados como clientes, invitados, personal de servicio a domicilio, servicio personal y solicitante de trabajo son también prohibidas.

Alternatively, an employee who is uncomfortable notifying any of the above-named individuals may contact any officer of the Company. Employees may also call Carrols' Toll-Free Harassment Reporting Hotline at 1 (800) 348-1074 ext. 2318.

Employees are urged to report harassment *before* it becomes severe or pervasive. Isolated incidents of harassment may not be violations of law, especially if the offended person fails to communicate that they are unwelcome. However, because a pattern of such incidents may be unlawful, it is important to report such conduct before it becomes a serious problem.

The Company encourages prompt reporting of complaints so that swift and appropriate action may be taken. However, due to the sensitive nature of sexual harassment, the Company does not impose a time limit for reporting sexual harassment. Employees should recognize, however, that the more time that passes after an incident, the more difficult it becomes for the Company to perform a complete, accurate and thorough investigation and take effective action. All employees have the right at any time to report sexual harassment to the Equal Employment Opportunity Commission or its state and local counterparts.

PROTECTION AGAINST RETALIATION

The Company will not in any way retaliate against an individual who makes a legitimate report of perceived sexual harassment; nor will the Company permit any employee to engage in retaliation of any kind against individuals who initiate or participate in sexual harassment investigations. Retaliation is a serious violation of this Policy and anyone who feels they have been subjected to any acts of retaliation should immediately report such conduct. ***Any person who directly or indirectly retaliates against an employee for reporting any perceived acts of sexual harassment or participating in an investigation of sexual harassment will be subject to disciplinary action, up to and including discharge.***

SEXUAL HARASSMENT OF AND BY NON-EMPLOYEES

The Company also encourages employees to report sexual harassment by ***non-employees***, such as vendors, contract personnel, other service providers and any other non-employees. In addition, sexual harassment by Carrols non-employees such as customers, invitees, delivery personnel, service personnel, and job applicants is also prohibited.

INVESTIGATING THE COMPLAINT

All allegations of sexual harassment will be promptly and thoroughly investigated. The Company will conduct an impartial investigation, and no individuals

INVESTIGACIÓN DE LA QUEJA

Todas las alegaciones sobre acoso sexual serán investigadas con prontitud y a fondo. La Compañía conducirá una investigación imparcial, y ningún individuo que supuestamente halla participado en el acoso tendrá su tarea en la investigación de la queja. La Compañía se esforzara por mantener el proceso de investigación de forma confidencial, hasta el punto que sea práctico y apropiado bajo las circunstancias.

Aunque el individuo no reporte su queja o no quiera que se comience una investigación, la Compañía tiene una obligación de investigar todos los casos de acoso que se le reporte a su atención.

RESOLVIENDO LA DEMANDA

La Compañía tiene procedimientos y guías especificas para investigar acoso; estos procedimientos deben de ser revisado por los investigadores antes de iniciar cualquier tipo de investigación de acoso. Una vez que se complete la investigación sobre la demanda de acoso sexual, los resultados le serán comunicados a la persona que presentó la demanda y al ofensor.

Si la Compañía descubre que en efecto ha ocurrido hostigamiento, el hostigador será sujeto a una acción disciplinaria. A pesar de que acciones específicas correctivas se tomarán contra el hostigador a discreción de la Compañía, estas acciones pueden incluir:

- → reprimenda por escrito;
- → referir al ofensor a que tome un asesoramiento apropiado;
- → suspensión de un ascenso o gratificación;
- → asignación a otra posición;
- → suspensión temporal o probación; y/o
- → destitución.

No importa cual pequeña sea la infracción, una reprimenda por escrito, en vez de una reprimenda verbal, debe de ser proporcionada cuando se ha comprobado el acoso. Aun cuando sea la primera ofensa del ofensor, si la ofensa es lo suficientemente seria, la Compañía puede despedir el empleado/a por sus acciones.

who are alleged to have participated in the harassment will have any role in the investigation of the complaint. The Company will endeavor to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances. ***Even if the victim has not actually made a complaint or does not wish to have his or her allegations investigated, the Company has a duty to investigate all instances of harassment that are brought to the Company's attention.***

RESOLVING THE COMPLAINT

The Company has specific Procedures and Guidelines for investigating sexual harassment; those Procedures and Guidelines must be reviewed by the investigators prior to initiating any investigation of sexual harassment. Upon completing the investigation of a sexual harassment complaint, the findings will be communicated to the complainant and alleged offender.

If the Company finds that harassment occurred, the harasser will be subject to appropriate disciplinary action. Disciplinary actions against the harasser may include:

- → written reprimand;
- → referral to appropriate counseling or training;
- → withholding of a promotion or bonus;
- → reassignment;
- → temporary suspension without pay or probation;
- → discharge.

No matter how minor the infraction and even if it is a first offense, a written reprimand, as opposed to a verbal reprimand, must always be given when it has been determined that sexual harassment has occurred. ***Even where it is a first offense for a harasser, if the offense is serious enough the Company may terminate the harasser for his or her actions.***

RECONSIDERATION

If the person bringing the complaint or the alleged offender is dissatisfied with the outcome of the investigation, either individual has the right to seek reconsideration of the decision through the Company's grievance procedures.

REVISIÓN

Si la persona que presentó la demanda o el ofensor no está satisfecho(a) con los resultados de la investigación, cualquiera de estos individuos tiene el derecho de pedir que se vuelva a tomar en consideración la decisión apelando por escrito al Director de Recursos Humanos.

ACUSACIONES FALSAS O MALICIOSAS

La Compañía reconoce que acusaciones falsas de acoso sexual les pueden causar serios perjuicios a personas inocentes. Si los resultados de la investigación concluyen en que la persona que presentó la demanda, teniendo conocimiento o, de forma maliciosa, acusó falsamente a otra persona de hostigamiento, esta persona será sujeta a acción disciplinaria que puede llegar hasta e incluir destitución.

CONFIDENCIALIDAD

La Compañía reconoce la extrema sensibilidad que existe en las alegaciones e investigaciones sobre acoso sexual y hace énfasis en el hecho de que todos los participantes deberán respetar y poner en vigor la confidencialidad y privacidad personal en la mayor medida posible y de forma consistente con resoluciones prontas y efectivas.

Todos los que participen en este proceso deberán reconocer su impacto en los compañeros de trabajo, familiares, y el público en general, antes de comunicárselo a aquellas personas ajenas a este problema. Esto, de ninguna forma, tiene como intención disuadir el acceso de cualquier empleado/a a La Comisión de Igualdad de Oportunidades de Trabajo (la "EEOC") o a sus agencias estatales o locales.

CONCLUSIÓN

Carrols ha desarrollado esta política en un empeño por asegurarse que tanto los empleados como los oficiales de la Compañía sean tratados con respeto y dignidad y proveer un ambiente de trabajo libre de acoso de cualquier tipo.

FALSE AND MALICIOUS ACCUSATIONS

The Company recognizes that false accusations of harassment can cause serious harm to innocent persons. If an investigation results in a finding that the person bringing the complaint has knowingly, or, in a malicious manner, falsely accused another person of harassment, that person may be subject to disciplinary action, up to and including discharge.

CONFIDENTIALITY

The Company recognizes the extreme sensitivity of sexual harassment allegations and investigations, and emphasizes that everyone involved should respect and enforce confidentiality and personal privacy to the maximum extent consistent with prompt and effective resolutions. Everyone involved in this process should recognize its impact on co-workers, relatives, and the general public before communicating with people who do not have a business need to know. This in no way is intended to discourage anyone's access to the EEOC or its state and local counterpart agencies.

CONCLUSION

Carrols has developed this Policy in an effort to ensure that all of its employees are treated with dignity and respect and provided a work environment that is free of harassment of any kind.

Carrols Corporation
and its subsidiary Carrols LLC
Sexual Harassment Policy Review Form

Name: _____

Unit #: _____

Date: _____

The Carrols Sexual Harassment policy has been explained and reviewed with me and I understand its contents. I have received a copy of the Carrols Sexual Harassment booklet.

_____
Signature

_____
Social Security Number

Witness: _____
Supervisor/Manager Signature

*Manager, please retain signed document in employee's personnel file.

968 James Street • Syracuse, NY 13203

Corporación de Carrols
y su subsidiario Carrols LLC
Formulario y Reconocimiento de la Politica de Acoso Sexual

Nombre:_____

 # de Unidad: _____

Fecha: _____

Se ha explicado la política de acoso sexual de Carrols y entiendo su conenido. He recibido una copia del folleto de acoso sexual de Carrols.

_____

Firma

_____

Numero de Seguro Social

Testigo: _____

*Firma del Supervisor ó Gerente**

*Gerente, por favor conserve este documento firmado en fichero del personal del empleado/s.

Exhibit F

CARROLS CORPORATION

HOURLY TEAM MEMBER EXIT INTERVIEW

Your feedback is important to us. Please take a few minutes to provide us with information regarding your employment with Burger King.

1. Please write the USER ID and PASSWORD as listed on your postcard.

   USBR ID: _____ Password: _____CAR

Please put an "X" in the one bubble that best fits your answer to the following questions.

2. At the completion of my first day orientation I had a clear understanding of the company policies and regulations that apply to me.

Disagree Uncertain Agree

3. I received good on-the-job training.

Disagree Uncertain Agree

4. I was shown my Training Passport.

Disagree Uncertain Agree

5. Customer service was a priority in this restaurant.

Disagree Uncertain Agree

6. I received helpful and frequent feedback on how I could improve my performance.

Disagree Uncertain Agree

7. I was clearly advised about my job performance with regular written 6 month performance reviews.

Disagree Uncertain Agree Not Applicable

8. I am aware of the REAP Program (Restaurant Employee Advancement Program).

Disagree Uncertain Agree

9. Please write any comments you may have on questions 2-8.

_____

_____

_____

_____

_____

10. I was paid for all the hours and minutes that I worked.

Disagree Uncertain Agree

11. There is NOT a problem with the sale or use of illegal drugs in this restaurant.

Disagree Uncertain Agree

12. My restaurant was a safe place to work.

Disagree Uncertain Agree

13. Team Members are not treated differently by co-workers because of race, gender, or sexual orientation.

Disagree Uncertain Agree

14. Team Members are not treated differently by managers because of race, gender, or sexual orientation.

Disagree Uncertain Agree

15. I was made aware of the Employee Grievance Program.

Disagree Uncertain Agree

16. Harassment of any kind was not a problem at this restaurant.

Disagree Uncertain Agree

17. I was made aware of how and to whom to report any kind of harassment.

Disagree Uncertain Agree

18. Please write any comments you may have on questions 10-17.

_____

_____

_____

_____

_____

19. Employees are treated fairly and with respect.

Disagree Uncertain Agree

20. New Team Members are made to feel welcome here.

Disagree Uncertain Agree

21. Managers give praise for a job well done.

Disagree Uncertain Agree

22. Policies and procedures are fairly and consistently enforced between managers.

Disagree Uncertain Agree

23. This job was what I expected.

Disagree Uncertain Agree

24. The schedule I was given met my needs and my requests.

Disagree Uncertain Agree

25. There was a spirit of Teamwork among all Team Members and Managers.

Disagree Uncertain Agree

26. Management is committed to high standards.

Disagree Uncertain Agree

27. Please write any comments you may have on questions 19-26.

_____

_____

_____

_____

_____

28. What most influenced your decision to leave? (choose 1)

Restaurant Environment
Management
Team Members
Pay
Training
Other - Please explain under the comment section in question 31.

29. What did you like most about your job? (choose 1)

- Restaurant Environment
- Management
- Team Members
- Pay
- Training
- Other - Please explain under the comment section in question 31.

30. What did you like least about your job? (choose 1)

- Restaurant Environment
- Management
- Team Members
- Pay
- Training
- Other - Please explain under the comment section in question 31.

31. Please write any comments you may have on questions 28-30.

_____

_____

_____

_____

_____

32. How long did you work at Burger King?

- Less than 3 months
- 4 - 12 months
- 13 - 18 months
- Over 18 months

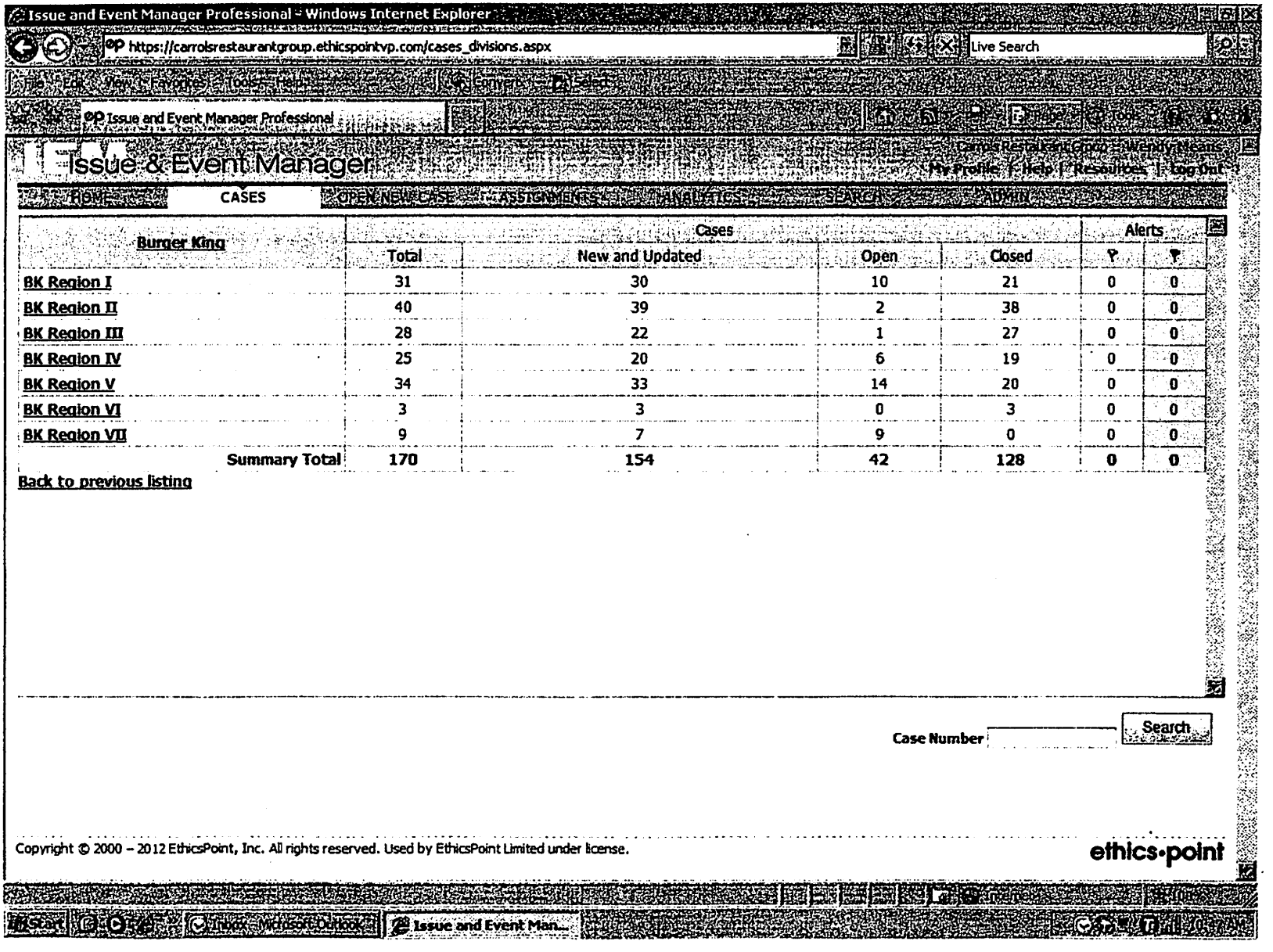
Thank you for completing this survey. In order to send you coupons for free value meals, please provide us with your address below.

_____

_____

_____

Exhibit G



Burger King	Cases				Alerts	
	Total	New and Updated	Open	Closed	?	?
BK Region I	31	30	10	21	0	0
BK Region II	40	39	2	38	0	0
BK Region III	28	22	1	27	0	0
BK Region IV	25	20	6	19	0	0
BK Region V	34	33	14	20	0	0
BK Region VI	3	3	0	3	0	0
BK Region VII	9	7	9	0	0	0
Summary Total	**170**	**154**	**42**	**128**	**0**	**0**

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Case Number Search

Exhibit H

Human Resources Audit Form Burger King

v2.0

General Information

Audit Completed By: Date:

Reviewed With: Unit:

District Manager:

Overall Ratings

Deficiencies This Audit: Deficiencies Last Audit:

The following audit program is divided into two categories: shaded areas and non-shaded areas. Shaded areas are legal requirements and the non-shaded areas are Carrols requirements.

I. Training			S	U
1	Proper orientation completed with all newly hired and rehired employees. (Interview three most recent hires).		C	C
2	Four step training method is utilized with all new hires. (Interview three most recent hires.)		C	C
3	Right Track Training modules, complete, available and properly used.		C	C
4	Team Member score cards up to date.		C	C
5	Team Member evaluations up to date.		C	C
6	Phase I Training format and seminars utilized to train Team Leaders, Shift Supervisors and Shift Coordinators. Evaluations every six months.		C	C
7	REAP plaque posted and current.		C	C
8	Salaried managers, AM IIIs, Shift Supervisors, Shift Coordinators and Breakfast Coordinators are BMT and AFS certified.		C	C
9	Sexual Harassment booklet handed out to all new hires. (Interview three most recent hires.)		C	C
10	Sexual Harassment policies explained, and reviewed with all new hires. (Interview three most recent hires.)		C	C
11	Phase IV is being reviewed with each Assistant Manager until completed.		C	C
	Assistant Manager:	Last Review Date:		
	Assistant Manager:	Last Review Date:		
	Assistant Manager:	Last Review Date:		
	Assistant Manager:	Last Review Date:		
12	Review Restaurant's Communication Book. Insure that communications are professional and constructive.		C	C

II. Safety		S	U
1	Route to nearest medical facility displayed.	C	C
2	Emergency telephone number posted by telephone.	C	C
3	Adequate supply of First Aid material on hand.	C	C
4	Eye wash station available with sealed bottle of eye wash.	C	C
5	Play It Safe program executed.	C	C
6	Equipment properly labeled for use only by employees 18 and older. (Tomato slicer, vegetable slicer, step ladder, filter machine, shortening shuttle)	C	C
7	Fryer filtering safety equipment available, in good condition, and utilized. (Shield, apron, long gloves, boots, etc.)	C	C
8	Are the Broiler Cleaning Instructions posted?	C	C
9	Is the video security system on and working? (proper backup tapes if applicable)	C	C
10	Is the safe locked upon arrival?	C	C
11	No Exit after 8 PM sign posted on the back door.	C	C

III. Hourly Employees' Files		S	U
1	Employment application signed by employee and in employee file.	C	C
2	Voluntary Self Identification Form in file.	C	C
3	I-9 completed.	C	C
4	Copy of List C item available. (SS Card or Birth Certificate, etc.)	C	C
5	Copy of picture ID available.	C	C
6	Proof of Age in file.	C	C
7	Current W-4 Form on file, signed by employee and matching payroll deductions.	C	C
8	Current State tax form on file, signed by employee and matching payroll deductions where required.	C	C
9	Current city/county tax forms are in employee's file where required.	C	C
10	Sexual Harassment Form signed by employee and manager and in employee file.	C	C
11	Training Certificate and Personal Protective Equipment form properly completed for each employee and stored in employee's file.	C	C
12	Personal Protective Equipment questionnaire properly completed for each employee and stored in employee's file.	C	C
13	Uniform Issue Form on hand and signed by employee.	C	C
14	First Day Checklist initialed by manager and signed by employee.	C	C
15	Terms of Employment conspicuously posted or signed and in employee file. (SC Only)	C	C
16	Mandatory arbitration form in file. (9/15/05 and forward)	C	C
17	Workers' Compensation Information Forms in file. (PA only)	C	C
18	Work Permits for minor employees on file where required.	C	C
19	Minor employment notification form for school on file. (PA only)	C	C
20	Work permit on file at date of hire.	C	C
21	Verify that the 16 or 17 year old non-student box in WebCEMS is not checked without proper documentation on file.	C	C
22	Pending applications maintained for one year. (Current Year, Previous Year & Applications for pick up)	C	C
23	Retention of terminated employees files for seven years, organized by year and labeled with appropriate labels.	C	C
24	WOTC eligible forms completed and received by vendor at 100%	C	C
25	MSDS sheets being reviewed during employee orientation. (Interview three most recent new hires.)	C	C
26	Minor agreements on file where required. (IN,OH,NC & NY)	C	C
27	Verify all active employee files are in unit.	C	C
28	Healthcare Declaration Form (MA, VT only)	C	C
29	Credit Card Security and Information Confirmation Form.	C	C
30	NY State Hourly Pay Rate and Pay Day Notification and Acknowledgement effective 10/26/09	C	C
31	Check for Felony Convictions unreported to HR.	C	C
32	Money Network Pay Selection Form	C	C

IV. Required Posters and Employee Bulletin Board		S	U
1	State Poster	C	C
2	State Disability Poster (where applicable)	C	C
3	Worker's Compensation Poster (where applicable)	C	C
4	Federal Poster	C	C
5	Sexual Harassment Poster	C	C
6	Carrols Posters = All-In-One	C	C
7	Mandatory Arbitration	C	C
8	REAP	C	C
9	Starbridge	C	C
10	Dollars for Doers	C	C
11	Ethics Poster	C	C
12	The Missing Piece	C	C
13	Criminal ID Poster displayed in drive-thru.	C	C
14	Carrols Employee Bulletin Board Policies Booklet available with MSDS sheets	C	C
15	Choking poster in frame and visible to public.	C	C
16	Posters neatly displayed and in good condition.	C	C
17	Certificate of Hazard Assessment posted.	C	C
18	Uniform Cleaning Service Available sign posted with appropriate receptacle. (NY and NJ only)	C	C
19	New Jersey Temporary Disability Benefits Law Poster	C	C

V. Payroll / Schedule		S	U
1	Payroll records are stored weekly in manila payroll folders.	C	C
2	Audit payroll records per payroll folder cover.	C	C
3	Audit payroll records for closer time corrections on a daily basis.	C	C
4	Time corrections documented properly on daily WebCEMS Time Correction Signature Report including employee and manager initials.	C	C
5	Verify that the daily corrections found in the payroll folder match the time corrections in WebCEMS on the restaurant's PC. (Review three weeks)	C	C
6	Employees sign for paychecks/advices on Paycheck Receipt Report. Employee checks/advices kept in safe, checks over two weeks old that are not picked up are returned to Payroll Department.	C	C
7	Terminated employees removed from WebCEMS no later than two weeks after their last day of work. Terminations documented properly.	C	C
8	Terminated payroll records maintained for seven years. Archives organized by year with appropriate labels utilized.	C	C
9	Manager's name and signature for each shift on employee schedule; employee schedule properly color-coded to designate minors; schedule posted by Thursday for upcoming week.	C	C
10	Region policy concerning management work schedule is being followed. Fifty hour work week is being adhered to. Attach copy of current management schedule.	C	C
11	Minors' hours worked adhere to state and federal requirements. Audit at least two weeks.	C	C
12	Non-Minors' hours worked adhere to state and federal requirements. Audit a least two weeks.	C	C
13	Verify all employees properly paid for all hours worked including orientation and closing.	C	C
14	Check for evidence of "phantom employees." Pull and verify an Employees on Premises Report. Verify number of employees paid vs. active employee files.	C	C

Payroll reviewed week-ending:		Payroll reviewed week-ending:		Payroll reviewed week-ending:	

VI. Recruiting		S	U
1	Active recruiting program in place: Applications, Marquee, Window Painting, etc.	C	C
2	Program in place for receiving and reviewing applications.	C	C
3	All applications are kept in a secure location to prevent ID theft.	C	C

Number of active employees	
Recommended staffing goal	

	33. Consent Form for Biometric Data Use (NY Only)	☐
	32. Money Network Pay Selection Form	☐
	31. Unreported Felony Conviction on Application	☐
	30. NY Pay Rate and Pay Day Acknowledgment	☐
	Evaluation Signed by Manager and Employee	☐
Adults	Last Review Date	
	29. Credit Card Security Confirmation	☐
	28. Healthcare Declaration Form (MA, VT only)	☐
	17. Worker's Comp. Forms (PA Only)	☐
	16. Arbitration Form	☐
	15. Terms of Emp.(SC only)	☐
	14. First Day Check List	☐
	13. Uniform Form	☐
	12. PPE Questionnaire	☐
	11. Training Certificate/PPE	☐
	10. Sexual Harassment Form	☐
	9. City/County Tax Form	☐
	8. State Tax Form	☐
	7. Federal Tax Form	☐
	6. Proof of Age	☐
	5. ID	☐
	4. List C	☐
	3. I-9	☐
	2. Voluntary Self-Identification Form	☐
	1. Signed Application	☐
	Employee Number	

Minors

Work Status (minors only)	Out of School	☐
	In School Waived	☐
	In School	☐
33. Consent Form for Biometric Data Use (NY O...		☐
32. Money Network Pay Selection Form		☐
31. Unreported Felony Conviction on Application		☐
30. NY Pay Rate and Pay Day Acknowledgment		☐
29. Credit Card Security Confirmation		☐
28. Healthcare Declaration Form (MA, VT only)		☐
20 Minor Agreement Forms (IN, OH, NC, & NY only)		☐
19 Employment Notification (PA only)		☐
18. Work Permit (Minors only where applicable)		☐
Evaluation Signed by Manager and Employee		☐
Last Review Date		
17. Workers' Comp Forms (PA only)		☐
16. Arbitration Form		☐
15. Terms of Emp.(SC)		☐
14. First Day Check List		☐
13. Uniform Form		☐
12. PPE Questionnaire		☐
11. Training Certificate/PPE		☐
10. Sexual Harassment Form		☐
9. City/County Tax Form		☐
8. State Tax Form		☐
7. Federal Tax Form		☐
6. Proof of Age		☐
5. ID		☐
4. List C		☐
3. I-9		☐
2. Voluntary Self-Identification Form		☐
1. Signed Application		☐
Employee Number		

Comments		
Section I: Training		
Section II: Safety		
Section III: Hourly Employee's Files		
1	Signed Application:	
2	Voluntary Self Identification Form:	
3	I-9:	
4	List C:	
5	ID:	
6	Proof of Age:	
7	Federal Tax Form:	
8	State Tax Form:	
9	City/County Tax Form:	
10	Sexual Harassment Form:	
11	Training Cert. / PPE:	
12	PPE Questionnaire:	
13	Uniform Agreement:	
14	First Day Checklist:	
15	SC Terms of Employment:	
16	Arbitration Form:	
17	Workers' Comp Form (PA only):	
18	Work Permit:	
19	Employment Notification (PA only):	
20	Minor Agreement Form (IN, OH, NC & NY only):	
21	Missed Reviews:	
28	Healthcare Declaration Form (MA, VT only):	
29	Credit Card Security & Information Confirmation:	
30	NY State Pay Rate and Pay Day Acknowledgement	
31	Felony Convictions Unreported to HR	
33	Consent Form for Biometric Data Use (NY Only)	
Section III: Employee Files Addition Comments		
Section IV: Required Posters and Employee Bulletin Board		
Section V: Payroll / Schedule		
Section VI: Recruiting		
Section VII: Summary PLEASE NOTE: District Manager must respond in writing to Human Resources regarding any unsatisfactory findings.		

Employee Interview Questions

Employee's Name:

			Comments
1	How Long have you worked for Carrols?		
2	Can you tell me who completed your orientation?	○ Yes ○ No	
3	Did this person use the orientation flip chart / E-learning orientation?	○ Yes ○ No	
4	Were you paid for your orientation?	○ Yes ○ No	
5	Can you tell me who did your initial training?	○ Yes ○ No	
6	Did you receive a Sexual Harassment Handbook?	○ Yes ○ No	
7	Do you understand Carrols' policy on Sexual Harassment?	○ Yes ○ No	
8	Do you know who to report harassment or discrimination to?	○ Yes ○ No	
9	Have you ever witnessed, been a victim of or heard of any incidents of inappropriate language or behavior on the part of any team members or the managers?	○ Yes ○ No	
10	Do the managers follow fair discipline standards?	○ Yes ○ No	
11	Do you feel you are treated differently because of your race or gender?	○ Yes ○ No	
12	Are you aware of the grievance procedure?	○ Yes ○ No	
13	Are you paid for all the hours you work?	○ Yes ○ No	
14	Are you ever asked to do work off the clock?	○ Yes ○ No	
15	Do employees have to repay cash register shortages ?	○ Yes ○ No	
16	What day does the schedule go up for the next week?	Select...	
17	Are you aware of any issues involving the sale, use or possession of illegal drugs in the restaurant?	○ Yes ○ No	
18	Are you aware of any safety or security problems in this restaurant?	○ Yes ○ No	
19	Do you know who your District Manager is?	○ Yes ○ No	
20	Do you like working here? Why?	○ Yes ○ No	
21	How would you rate Burger King on a scale of 1-10 for employment with "1" being worst and "10" being best?	Select...	
22	Would you recommend this Burger King restaurant to a friend for employment?	○ Yes ○ No	
23	Have you ever been encouraged to go on-line and fill out the Guest Trac survey on your restaurant or have you ever been told by management not to hand out receipts?	○ Yes ○ No	