

7(i) EXEMPTION NOTICE

You have been employed by Swan (Groot Hospitality Design District) (the “Restaurant”) as a _____. During your employment with the Restaurant, the Restaurant will pay you a portion of the non-discretionary service charge that is automatically charged to all customers.

Under the Fair Labor Standards Act (the “FLSA”) such a service charge is considered a commission for purposes of an overtime exemption contained in Section 7(i) of the FLSA. The Restaurant fully expects that each workweek your total compensation, consisting of hourly pay plus the portion of the service charge to be distributed to you, will be greater than one and one-half (1.5) times the federal minimum wage for each hour worked (\$10.88 per hour at the current federal minimum wage of \$7.25 per hour). In addition, more than half of your compensation each calendar quarter will be generated from the portion of the service charge to be distributed to you. Accordingly, the Restaurant considers you to be exempt from the FLSA’s overtime pay requirements as provided by Section 7(i) of the FLSA. You, therefore, will not be entitled to any overtime pay for any hours over 40 that you may work during any given week in which your total compensation is greater than one and one-half (1.5) times the federal minimum wage.

In weeks in which you work more than 40 hours and your total compensation is less than one and one-half (1.5) times the federal minimum wage, the Restaurant will either pay you overtime premiums on your compensation or supplement your compensation to bring you up to one and one-half (1.5) times the federal minimum wage, whichever is less.

The restaurant reserves the complete and full authority to decide the method and degree of distribution of the service charge and may change the amount distributed in its sole discretion at any time. This also does not constitute a contract of employment for any specific period and does not change your employment at will status.

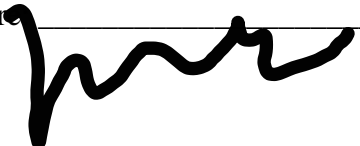
If you have any questions regarding your compensation, please contact Human Resources.

Acknowledgement of Receipt

I hereby acknowledge that I have received and reviewed this Exemption Notice. I understand that any questions I may have regarding the compensation I am supposed to receive as a server at the Restaurant should be directed to _____, who will explain these matters to me in greater detail.

Name: _____

Date: _____

Signature:  _____