



# EMPLOYEE HANDBOOK

**Edition 15**  
**01-2021**

## **WELCOME AND CONGRATULATIONS!**

You are now part of one of the most exciting teams in the racing and casino industry - SunRay Park and Casino.

SunRay Park and Casino, is located in San Juan County, New Mexico right off of Highway 64.

The casino has approximately 450 slot machines as well as a Simulcast Theatre and a Restaurant where our guests can enjoy a pleasing menu and watch a sporting event on television.

### ***OUR MISSION...***

...is to develop and operate a...

1. CLEAN
2. FUN, and
3. FRIENDLY

...casino / resort / entertainment property in a community where we can focus on a loyal, local customer base and tourist market. We give to our communities through the support of charitable causes with our time and our money, especially those benefiting children. We lead our markets by continuously raising the benchmarks for service, hospitality and training. We are a fair, consistent and competitive employer offering good wages and benefits. We provide every employee with opportunities for professional development and advancement within the organization.

SunRay Park and Casino operates under the philosophy that our success is measured by the depth of our customer service skills and teamwork, the utilization of each and every employee's unique ability to understand and serve our customers and to continuously improve the support and service we provide one another and our guests.

Being a customer driven operation requires the understanding that we have both internal and external customers. We are a multi-culturally rich and diverse team. Internal customers are the

employees we work with every day. External customers are our guests, the individuals who come to visit our facility.

## **EQUAL OPPORTUNITY EMPLOYER**

SunRay Park and Casino is an equal opportunity employer and does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, ancestry, physical or mental handicap, sexual orientation, gender identity, age, disability, veteran status, spousal affiliation or any other characteristic protected by law or any other characteristic protected by law.

## **AMERICANS WITH DISABILITIES ACT (ADA)**

The SunRay Park and Casino does not discriminate against a qualified individual with a disability. This covers all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, layoff, leave, fringe benefits, and all other employment-related activities.

Confidentiality must be maintained concerning any employee's medical condition. If you have any concerns about yourself or another employee you may consult the Human Resource Department or the General Manager.

*Should a SunRay Park and Casino employee or manager suspect that discrimination is occurring, refer the matter to one of the above mentioned managers immediately.*

## **DISCLAIMER**

Nothing in this handbook creates a contract for employment or alters the employee's at-will employment relationship. Company personnel are employed on an at-will basis. Nothing in this handbook shall limit the right to terminate at-will employment.

In addition, the handbook cannot address every situation that could possibly arise in the workplace, please consult the Human Resources department or your immediate supervisor as needed.

## **ANTI-DISCRIMINATION AND HARASSMENT**

This policy is drawn from our core values as a company, and the desire to create an environment where people have the ability to act in a motivated manner where the principles of respect and service to our guests and employees are paramount in all interactions and relationships.

SunRay Park and Casino is committed to providing a work environment free of inappropriate behavior. Discrimination and/or Harassment including but not limited to, discrimination or harassment prohibited by federal and state law on the basis of gender, race, color, religion, national origin, ancestry, physical or mental handicap, sexual orientation, gender identity, age, disability, veterans status, spousal affiliation or any other characteristic protected by law. Sexual harassment (Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature). SunRay Park and Casino policy strictly prohibits any form of harassment. Appropriate disciplinary action will be taken toward employees who engage in such conduct, up to and including termination of employment. Employees who feel they have been harassed are encouraged to immediately report the incident to the Human Resources Department, General Manager or Department Manager, whichever the employee feels is appropriate, under the circumstances.

**SunRay Park and Casino's Harassment Policy, examples of prohibited conduct, complaint procedure, and unlawful retaliation is detailed in SunRay Park and Casino's Employee Policy Manual and available to employees in the Human Resources Department and Managers offices.**

# **POLICIES and PROCEDURES**

## **CHAIN OF COMMAND**

The following is the Chain of Command that is applied at SunRay Park and Casino. This would include all job related issues, including employee or customer disputes, grievances concerning company or department policies, procedures, scheduling, day-to-day employment or other operational issues. It is required that the employee tries to resolve the problem in the following order:

1. Immediate Supervisor
2. Department Head
3. General Manager (GM)

At any time the employee is welcome to go to Human Resources for direction if they are uncertain or uncomfortable about the chain of command.

## **BOARD OF REVIEW**

### **Overview**

Employees (who have completed the 180 day Introductory period), excluding manager level and above, who believe they have been treated unfairly in a decision regarding a disciplinary action may request to have the action reviewed by a group of their peers in a Board of Review to determine if, in the opinion of the Board, the contested decision(s) constituted an appropriate application of policy.

Prior to requesting a Board of Review, employees must first seek to resolve the situation through discussions with their immediate supervisor and/or department head. Employees may consult with Human Resources in preparation for these discussions. If these discussions fail to provide a satisfactory resolution, employees should then discuss the situation with Human Resources. If Human Resources is unable to facilitate any resolution, employees may then request a Board of Review.

In all cases, employees have five (5) calendar days from the date of contested decision(s) to bring their appeal to the attention of their supervisor, five (5) calendar days from the date of their supervisor's review to request a review by their department head, and five (5) calendar days from the date of their department head's review to request a Board of Review through Human Resources.

The Board of Review is an informal process in which the role of each Board Member is to arrive at an objective decision by investigating, and analyzing the facts they are presented without advocating for any particular position or employee.

The employee seeking the Board of Review agrees to raise any and all claims at the Board of Review hearing related to the personnel action.

The Board of Review Policy set forth here in this handbook is not intended to create a contract, nor is it to be construed to constitute contractual obligations of any kind or a contract of employment between SunRay Park and Casino and any of its employees. The content of the policy has been developed at the discretion of management and, except for the policy's intention to affirm the employment-at-will relationship, may be amended or cancelled at any time at SunRay Park and Casino's sole discretion. This policy does not change the at-will relationship between employee and employer and therefore does not apply to termination of employment.

## **Board Composition**

The Board consists of three ad-hoc members:

- An employee (management or non-management) selected by Human Resources.
- An employee (management or non-management) selected by the employee requesting the review.
- A manager, selected by the General Manager who does not work in the same department as the employee requesting the review.

Board Members cannot be immediate family or live in the household of any person involved in the process.

## **Process and Procedures**

The employee must submit to the Board in writing the desired result of the appeal and cite the decision(s) perceived as unfair.

The employee may request the presence of another person during the process for the purpose of that person assisting the employee in understanding the appeal issues and, if necessary, helping the employee to formulate their answers to the questions. This person shall be present with the employee during the briefing by Human Resources to ensure he/she understands the nature, purpose, and guidelines of the process.

This is an informal process in which the member peer group investigates and analyzes the facts of the appeal. It is not meant to function as a court of law or to utilize formal rules of procedure or evidence. However, rights to equal protection and due process guaranteed by all applicable laws will be protected and observed.

Human Resources will brief the Board members on their role, the issue(s) in question, how to conduct an appropriate process and any relevant guidelines prior to each review. The employee who is requesting the appeal will be present during this briefing.

The process involves a discussion and interview phase and then a decision phase. Employees requesting the appeal are present throughout the discussion and interview phase of the process and may interact informally in all discussions.

The proceedings are confidential and all information is limited to those directly involved in the process. A record of the process and related decisions are maintained in a separate file in the Human Resource Department. No record of the Board of Review is placed in anyone's personnel file.

The employee may request to speak to the Board privately.

## **The Decision**

Immediately after the discussion and interview phase of the process, the Board members convene privately to review the evidence and arrive at their decision.

The Board cannot change policy and must arrive at their decisions within the guidelines of existing policies. They may however, look at alternative applications of applicable policies. If the Board finds that a particular policy is not appropriate or adequate, it can recommend changes to the Human Resource Department.

The Board cannot increase the severity of discipline nor change the employee's status except to reinstate the employee to a previously held position. The decisions under appeal either remain the same or are modified to the benefit of the employee.

Example: If an employee appeals a written warning, the Board can only make a decision as to whether or not the verbal warning is warranted. They cannot decide that the discipline taken was insufficient and thus increase the verbal warning to a written warning or demotion.

Each of the three members casts one equal vote and the majority of votes determine the Board's decision. If the decision is not unanimous, the dissenting member must be allowed a fair opportunity to influence the opinion of the majority. If the dissenting member is unsuccessful in changing the vote of the majority, the majority vote determines the decision. Each Board member signs the Review Board Formal Decision Sheet to acknowledge their participation in the decision.

The Board's decision is final and as such must be accepted by all parties without fear or threat of retaliation.



## **CELL PHONE / LAPTOP USE**

When in uniform and/or on duty at SunRay Park and Casino, personal cell phone or personal laptop computer use is only permitted during an assigned break or meal period in the employee break area. The only exception is if authorized by your department manager.

## **DRESS AND GROOMING**

SunRay Park and Casino strives to maintain a workplace environment that is well functioning and free from unnecessary distractions and annoyances. As part of that effort, the company requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed.

In keeping with this approach, SunRay Park and Casino allows reasonable self expression through personal appearance, unless a) it conflicts with an employee's ability to perform his or her position effectively or with his or her specific work environment, or b) it is regarded as offensive or harassing toward co-workers or others with whom SunRay Park and Casino conducts business and has contact with employees.

SunRay Park and Casino permits employees to wear jewelry or to display tattoos at the workplace within the following guidelines: **No Facial Tattoo's. Jewelry should be discreet and inconspicuous. Nose rings, eyebrow or other extreme facial piercings** will not be allowed. \*religious accommodation exceptions

Factors that management will consider to determine whether jewelry or tattoos may pose a conflict with the employee's job or work environment include:

1. Personal safety of self or others, or damage to company property.
2. Productivity or performance expectations.
3. Offensiveness to co-workers, customers, vendors or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature.
4. Corporate or societal norms.
5. Customer complaints.

## **NAME TAGS and LICENSES**

A complete uniform includes a Name Tag, NM Racing License and / or NM Gaming Permit (if applicable) or Key License that must be worn at all times while on duty. These must be worn so that they are visible to all.

## **UNIFORMS**

SunRay Park and Casino will provide designated uniforms to those employees required to wear one for his/her particular job. Employees must keep the uniform clean, neatly pressed, and in good condition.

Employees who are not required to wear uniforms must be attired in appropriate business apparel.

Standards of appropriate dress are set up departmentally to include safety and cleanliness and will be monitored.

SunRay Park and Casino management will communicate the uniform policy to their employees. All employees must wear the complete uniform prescribed for the position.

- The employee is responsible for uniform cleaning and upkeep.
- If an employee is terminated, he/she must return all uniforms provided to him/her on or before the last day worked.

## **EXCEPTIONS OF POLICY**

A request for an exception from the dress and grooming standards, whether motivated by personal, religious, or medical reasons, should be made to your direct supervisor. Exceptions to the policy must be approved by the General Manager.

## **EMPLOYEE RELATIONS**

SunRay Park and Casino is committed to an open communication policy with its employees. It is our goal to provide competitive wages and benefits and to administer company policies in a fair and equitable manner.

Employees are encouraged to deal directly with supervisors and management to gain understanding and resolve differences between associates. SunRay Park and Casino strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer and to accept positive and constructive criticism.

## **EMPLOYEE GAMING**

SunRay Park and Casino is committed to the prevention of compulsive gambling as it relates to customers and employees. Therefore policies were adapted to affirm that commitment.

All employees of SunRay Park and Casino are prohibited from playing the slot machines in our casino at any time with one exception – Temporary Live Race employees are permitted to game in the casino when off shift and out of uniform.

Employees who are of age, are off duty and not in uniform are allowed to place pari-mutuel bets and purchase lottery products except where prohibited below under "Security Employees and Pari-mutuel Wagering".

### **New Mexico Gaming Control Board Key Licensed Employees**

New Mexico Gaming Control Board Key Licensed employees are not allowed to game or wager in any form at any time at SunRay Park and Casino.

### **During the Live Race Meet at SunRay Park and Casino:**

During that part of the year when SunRay Park & Casino is conducting a Live Horse Race Meet the following positions are also prohibited from placing simulcast wagers, or being inside the Simulcast Theater area, or in and around mutual teller operations

anywhere on property when not on duty or scheduled for duty in those areas. Those prohibited positions include:

- All employees of Surveillance, Security, Simulcast and Live Racing.
- The management of simulcast operations that are at department head level or above are allowed in those areas while off duty while conducting company business.

### **When a Live Race Meet is NOT being held at SunRay Park and Casino:**

During that part of the year when SunRay Park & Casino **is not** conducting a Live Horse Race meet, all employees who are at least (18) years of age, are off duty and not in uniform are allowed to place pari-mutuel bets and purchase lottery products except where prohibited. Prohibited positions include the following:

- Simulcast and Live Racing Management at department head level or above
- Surveillance and Security Department Manager
- Property Shift Managers
- Directors and Senior Management

Off duty or on duty employees may not solicit money or play from guests or employees. Off duty or on duty employees may not borrow or lend any monies to anyone on property.

Employees who violate this Employee Gaming policy will face disciplinary action up to and including termination of employment.

## **RESPONSIBLE GAMING**

SunRay Park and Casino is committed to steadfastly contrasting the distinction between gaming (entertainment and recreation) and problem gambling (compulsion and irresponsibility). Our property provides gaming as entertainment and commits human and financial resources to educate our employees, guests and community as to the differences between gaming and problem gambling motivations and behaviors. Policy statements are used to guide management

development; employee orientation and training; communications to guests and to the media; and in specific policies and procedures.

SunRay Park and Casino has a comprehensive responsible gaming program. Our position is to bring awareness, understanding and prevention to the issues of underage and compulsive gaming.

## **180-DAY INTRODUCTORY PERIOD**

Your first 180 days of employment are considered introductory. This is the time when each new employee is continuously measured against standards for job performance to assure the employee's suitability for the position.

It is the responsibility of the employee to know the minimum standards of performance for his/her job. Your supervisor will guide you in maintaining a satisfactory performance record and prepare a plan for your future development. You are encouraged to speak to your supervisor about any aspect of your job that you may not understand or that may be causing a problem.

## **PARKING RULES AND REGULATIONS**

Designated parking is provided for all employees. All employees driving to work will receive a parking permit from the Security/Safety Department. This permit will be placed on the left-hand side of the windshield (driver side.)

Both parking and driving on company property are privileges. In order to maintain those privileges, employees must obey all speed, safety, parking and related policies and postings. Violations will result in suspension or permanent revocation of these privileges as well as discipline up to and including termination.

## **PERFORMANCE APPRAISAL**

The Performance Appraisal is a process by which employee skills, attitude, and performance are evaluated to minimum performance standards during a specified time period. This process is focused on your job strengths as well as areas in which you may require

improvement. At least annually you will receive an evaluation. This evaluation will become part of your personnel record.

Good performance is not the result of luck or chance. It is a direct result of your effort and the support of associates and supervisors.

## **SAFETY, FIRE AND EMERGENCY PROCEDURES**

### **SAFETY**

It is the policy of SunRay Park and Casino to provide a safe work environment, free from recognized hazards, and to adopt safe work practices. The property's safety program will be monitored continuously and you can do your part to support this program by following established guidelines for work safety. Please report any safety hazards you experience on the job to your supervisor immediately. Suggestions are always welcome on ways to prevent accidents at your workstation or anywhere on the property.

### **FIRE and EMERGENCY PROCEDURES**

Our property is equipped with excellent fire prevention/detection equipment. Periodic training, testing and drills will be conducted. Strictly follow the instructions below in case of a fire emergency, and be familiar with all essential fire/emergency information indicated.

1. In the event of fire or smoke, go to the nearest fire alarm and pull the handle down. Then, phone the surveillance department and report the exact location of the incident. Your supervisor will review the locations of all fire alarm pulls, fire extinguishers, and telephones with you.
2. If you have not been given a designated duty to perform during an emergency, calmly inform all guests in the vicinity of the problem, asking them to proceed to the nearest fire exit.

### **SEARCHES - EMPLOYEE LOCKERS**

To improve security and safety, the company reserves the right to inspect any employee's locker or other property furnished to an

employee and to inspect any package an employee may have in their possession upon leaving the property. Periodically, lockers must be emptied for cleaning. Security will notify users when this is going to occur.

All employees, as a condition of continued employment, are required to submit to searches administered under this policy. Employees are to be present when their lockers or assigned company property are searched. All searches will be conducted in the presence of two supervisors, including security.

## **SMOKING / CHEWING**

SMOKING AT SUNRAY PARK AND CASINO IS A PRIVILEGE AND NOT A RIGHT. THIS PRIVILEGE CAN BE REVOKED AT ANY TIME FOR FAILING TO FOLLOW THIS POLICY.

SunRay Park and Casino is concerned about the health of our employees. If you must smoke, please be aware that you may only smoke in the designated areas (see below), and when you are on an authorized break or meal period. There is no smoking in private offices, restrooms, elevators, and during training or meetings. To maintain a professional image, employees will not engage in smoking or chewing gum or tobacco products in public view.

1. The designated smoking area is on the second floor outside the glass doors on the south side (or McGee Park side) of the building.
2. Smoking is allowed outside of the main building if at least 100 feet from the main building. This privilege is conditional based on compliance with item four (4) below.
3. Smoking in outside areas is prohibited in the following places: inside buildings (44 shed; backside buildings, shed rows, etc.), storage areas (zircon, etc.); within 100 feet of fuel depots; inside of company vehicles or near heavy equipment.
4. Employees are responsible to dispose of cigarettes, matches and containers in the proper place. Throwing cigarette butts or empty cigarette packages on the ground is an unacceptable practice and is subject to disciplinary action.

## **BREAK AREAS / MEAL PERIODS**

Employees may be permitted breaks and meal periods. Procedures for taking breaks are set up by the department head.

Hourly employees must punch out and back in for their meal period and breaks, and must stay on property during these breaks in the event their departments need them. If an employee must leave property on their break, they must notify their supervisor and punch out and back in when they return. In that case, it is not a paid break. Failure to clock out when leaving SunRay property on any break subjects the employee to disciplinary action up to and including termination.

## **WORK SCHEDULE**

The employees of SunRay Park and Casino are scheduled for work to meet expected levels of business activity. Work schedules are posted weekly at least 24 hours before the start of the workweek. Be sure you check it every week.

Because we are a team in the service business, it is vitally important that you be on time each day you are scheduled to work. If you are unable to report to work as scheduled, be sure to notify your supervisor at least 4 hours prior to the start of your scheduled shift so that a replacement can be arranged. You are required to be clocked in and at your work station at the scheduled time. Repeated absences and tardiness will lead to termination.

Overtime is closely monitored and must be approved by your supervisor. Be sure you and your supervisor are aware of your hours worked per week. Your supervisor may assist you with any questions you might have concerning your hours.

## **OFF SCHEDULE**

You are allowed to enjoy SunRay Park and Casino including the restaurant on your off hours, if you are not currently on suspension or being counseled for any work/behavioral problems. However, loitering is strictly prohibited and gambling privileges are restricted



as outlined in the Gambling Policy. Proper attire and behavior are required at all times, as you are still viewed as a representative of SunRay Park and Casino.

Employees are not permitted to personally take part in any promotions designed for our customers whether sponsored by the company or vendors on the property. The only exception is any contest or drawing specifically for the employees.

## **REPORTING TIME WORKED**

All employees are required to record work time or clock in and out as prescribed by company policy. Your time record determines your paycheck. If there are any errors in your paycheck, report them to your supervisor immediately. Clocking or recording time for another employee is a serious violation of Company Policy. Violations may result in the termination of your employment. Employees may be permitted breaks and meal periods. Procedures are set up departmentally. Paychecks are issued bi-weekly on Tuesday.

## **SOLICITATION AND DISTRIBUTION**

Because we believe that work time is for work, to encourage a harmonious and productive work environment, and in order to keep all work areas as clean, safe, and litter-free as possible, we ask that you observe the following guidelines:

1. No employee shall engage in the solicitation of contributions from another employee or non-employee.
  - During the work time of either employee unless specifically approved by the General Manager
2. No employee may sell merchandise or services on the property of SunRay Park and Casino at any time without permission from the General Manager.
3. In addition, the posting of written solicitations for contributions on company bulletin boards is restricted. The General Manager must approve the posting of all notices and items on company bulletin boards. These bulletin boards display important information, and employees should consult them frequently for:
  - Internal memoranda
  - Job openings

- SunRay Park and Casino announcements
- Federal and State government compliance posters and notices

## **SUBSTANCE ABUSE**

It is the policy of SunRay Park and Casino that employees are drug and alcohol free while on duty in the workplace. This includes not being under the influence of any non-prescribed or illegal drug, alcohol, and/or any other intoxicants while on duty at the workplace. Employees violating this substance abuse policy will be subject to disciplinary action, up to and including immediate discharge for violation of this policy. SunRay Park and Casino is a **Drug and Alcohol Free Workplace**.

## **TIPPED EMPLOYEE OBLIGATIONS**

All tips you receive are subject to income tax and Social Security contributions. The tips you receive in cash directly from the guests and, also, tips that are charged by customers and paid to you by the business are taxable and must be reported. If you "split" tips with fellow employees, you should only include in your report the amount of tips retained by you. If the tips you report do not meet the government report requirements, SunRay Park and Casino is required to allocate additional tips for income tax reporting purposes.

Tip policies are job specific. Any employee in a "tipped" position must sign off on the tip policy for their particular position.

## **TRAINING AND DEVELOPMENT**

SunRay Park and Casino provides training programs to assist and prepare employees to accomplish assigned tasks within the framework of their job descriptions. Training modules cover job specific skill requirements, such as guest service methods and development, new employee orientation, Safety, various Supervisory training, Responsible Gaming Training and Departmental Training are ongoing.

## **BENEFITS**

### **ELIGIBILITY**

Effective April 1, 2014 regular full time employees are qualify for benefits on the first day of the calendar month following their first 60 days of full time employment.

### **MEDICAL BENEFITS**

SunRay Park and Casino offers an excellent insurance program that includes a health care plan, dental, vision and life insurance coverage. Regular full time employees are eligible for these benefits. Consult Human Resources for information concerning waiting periods, cost to employees and details concerning coverage.

### **PTO (PERSONAL TIME OFF) SCHEDULE**

PTO time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use PTO time as described in this policy:

- Regular full-time employees

The amount of paid PTO time employees receive each year increases with the length of their employment as shown in the following schedule.

- After 1 year of eligible service the employee is awarded 40 PTO hours.
- After 2 years of eligible service the employee is awarded 80 PTO hours.
- After 3 years of eligible service the employee is awarded 120 PTO hours.
- After 10 years of eligible service the employee is awarded 160 PTO hours.

Employees may take PTO after the completion of one year of full time continuous employment and after the 12 months subsequent to each anniversary date thereafter. Any PTO not taken within the PTO year (12 months subsequent to each anniversary date) is lost unless the employee has received prior written approval by the employee's Department Head, Human Resource Manager and the GM.

Remember PTO time off is paid based on the employee's base pay rate. There are no cash payoffs in lieu of PTO except in cases of extreme hardship at the discretion of the COO or GM, for qualified business purposes or at termination of employment.

PTO time will be arranged by each department manager so that appropriate manpower needs are met to operate the business. An approved "Time Off Request" form, available from the Human Resources Department, must be signed by the employee and department manager and submitted to payroll at least 14 days in advance to be considered. The department manager then has a 7 days to approve or deny the request from the date received.

## **Blackout Dates**

The following dates may not be eligible for PTO:

- New year's eve
- Kentucky Derby day
- Preakness Stakes day
- Bellmont Stakes day

## **JURY DUTY**

SunRay Park and Casino encourages employees to fulfill their civic responsibilities by serving jury duty when required. If employees are required to serve jury duty they may use any available paid time off (for example, vacation benefits and personal holidays if applicable and available) or may request an unpaid jury duty leave of absence. Employees must show the jury duty summons to their supervisor at least 14 days in advance or as soon as it is received whichever comes first so that the supervisor may make arrangements to accommodate

their absence. Employees are expected to report for work whenever the court schedule permits.

## **FAMILY AND MEDICAL LEAVES OF ABSENCE**

SunRay Park and Casino will comply with all applicable federal laws with regard to Family Medical Leave of absence.

All regular full time employees with one year of service and who have performed at least 1250 hours of work during the previous twelve months are eligible for a Family and Medical Leave of Absence. Requests for such leaves must be supported by a written request for Family Medical Leave and supporting documentation as required.

The ability to hold your job during a leave of absence will be based on business conditions. If your former job is not available upon return from a leave of absence due to business conditions or an organizational change affecting that job, you may apply for any position for which you are qualified. For more information about Family and Medical Leave, consult the Employee Policy Manual or the Human Resource office.

## **RETURNING FROM MEDICAL ABSENCE**

Any time you are away from work for three or more scheduled workdays because of sickness or personal injury, or if there are documented issues of continuous or reoccurring attendance problems, you will be required to provide your supervisor with a written explanation and a release from your physician.

## **MILITARY FAMILY LEAVE ENTITLEMENTS**

SunRay Park and Casino complies with the FMLA regarding Military Family Leave Entitlements and affords employees with leave in support of a contingency operation allowing them to use their 12 week entitlement to address certain exigencies (including attending certain military events, alternative childcare, financial and legal arrangements, counseling sessions, and attending post-deployment

reintegration briefings) for themselves or family members. See Human Resources for information.

## **MILITARY DUTY**

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees will receive partial pay for two week training assignments and shorter absences. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on military duty.

SunRay Park and Casino complies with the National Defense Authorization Act (NDAA) to provide eligible employees leave rights related to military service. See Federal Posting or Human Resources for details.

## **WORK RELATED INJURY/ILLNESS**

It is the responsibility of all employees to practice safety measures at all times. If you are accidentally injured while on the job, you are required to report the incident to your supervisor immediately. A Security representative will fill out an accident report promptly after the incident with your assistance. Written notice must be given to the Human Resources Department within four working days or immediately upon request. If medical attention is required, your supervisor and/or Security will take appropriate action. Neither SunRay Park and Casino nor the insurance carrier will be liable for the payment of Worker's Compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by SunRay Park and Casino.

The employer has elected to allow worker to make the initial selection of health care provider. The employee must select a healthcare provider and may select a doctor of their choice for the work-related injury.

If there is an emergency, please contact the nearest emergency facility, but all follow up care will be through Reliance Occupational Medicine.

## **FORCE MAJEURE**

Sunray reserves the right to amend the benefits in this section due to any of the following causes, to the extent beyond its reasonable control: acts of God, accident, riots, war, terrorist act, epidemic, pandemic, quarantine, civil commotion, natural catastrophes, governmental acts or omissions, changes in laws or regulations, national strikes, fire, and explosion. The amendment may include temporary or permanent change in benefits.

# EMPLOYEE CONFIDENTIALITY AGREEMENT

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by and between the SUNRAY GAMING OF NEW MEXICO, L.L.C., (hereinafter referred to as the "Employer") and (hereafter referred to as the "Employee").

WHEREAS, the Employer both receives and generates confidential and proprietary information which is not available to the general public: and

WHEREAS, the Employer believes that all confidential and proprietary information, now owned or acquired in the future by the Employer, should be protected from unauthorized disclosure and that all employees should be required to treat such information as confidential: and

WHEREAS, the Employer employs the Employee with the understanding such information will likely be made available to Employee in the course of employment and that Employee may acquire and develop additional confidential and proprietary information; and

WHEREAS, the Employer employs Employee to devote Employee's time, skill labor and knowledge to the advancement of the Employer's interests: and

WHEREAS, Employee acknowledges the need to protect the Employer's confidential and proprietary information. Employee agrees, as part of the terms of employment, to the following provisions:

- A. Employee agrees to conform to Employer's policies to the best of his/her ability under the direction of the appropriate supervisory personnel. Employee shall comply with all laws, rules and regulations applicable to Employee's duties.
- B. Following notice of termination of employment, Employee shall not be entitled to continue to have access to Employer's information or facilities
- C. Employee agrees, both during and after employment by the employer, not to disclose to other employees or investors or those not employed by SunRay Park and Casino, except with the Employer's prior written consent or as required by Employee's regular ordinary course of employment duties, any information which has not been made available to the general public, which



Employee has acquired or which Employee has developed in the course of employment. Information which the Employee shall not disclose includes but is not limited to trade secrets, know-how, technical data, including computer programs, computer software and hardware, financial data, future plans, and information received from third parties under a disclosure restriction. Employee further agrees not to use any such information except in the regular course of employment.

If an Employee, except in the ordinary course of employment, or investor asks Employee to provide SunRay's confidential information to him or she, Employee agrees to immediately direct that person to SunRay's General Manager to immediately report the inquiry.

- D. Employee hereby acknowledges that the Employer owns and has the right to possession of and title to all papers, documents, tapes, drawings, computer programs or other records prepared by Employee or developed by Employee during employment with the Employer, or which Employee possesses by reason of employment with the Employer. Employee agrees not to copy or permit copies to be made of such materials except as required as part of Employee's employment duties. Employee further agrees to deliver to Employee's supervisor, upon request, all such materials in Employee's possession.

Finally, Employee acknowledges that violation of this Confidentiality Acknowledgement/Agreement may result in adverse employment action up to and including termination, and may also result in a claim for damages for breach of contract and for breach of Employee's duty of loyalty to SunRay.

## ABOUT YOUR EMPLOYEE HANDBOOK

This Employee Handbook outlines everything you'll need to know about policies, procedures and benefits. As a new employee, you are expected to read and understand the contents. The Employee Orientation Program is designed to brief you on the contents of the Handbook.

If you wish to obtain further clarification on any of the contents, please ask your supervisor or Department Manager to see the **Employee Policy Manual located in your department office. You may also contact the Human Resources Department. They will be glad to help you.**

## EMPLOYEE ACKNOWLEDGEMENT FORM

The Employee Handbook describes important information about SunRay Park and Casino, and I understand that I should consult the Human Resources Department regarding any questions not answered in the Handbook. I have entered into my employment relationship with SunRay Park and Casino voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or SunRay Park and Casino can terminate the relationship at will, with or without cause, at any time. Furthermore, I acknowledge that this Handbook is neither a contract nor a legal document, as there is no violation of applicable law.

Since the information, policies and benefits described here are necessarily subject to change, I acknowledge that revisions may occur, except to SunRay Park and Casino's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only SunRay Park and Casino, with the approval of the GM, has the ability to adopt any revisions to the policies in this Handbook.