
AFFIRMATIVE ACTION PROGRAM

OF

EQUAL EMPLOYMENT OPPORTUNITY

NEVELE RESORT, CASINO & SPA

TABLE OF CONTENTS

Affirmative Action/Equal Employment Opportunity Policy	3
Anti – Harassment Policy	5
Designation of Responsibility for the Affirmative Action Administrator	6
The Hiring Process.....	7
Talent Pool	7
External Outreach and Positive Recruitment	7
Subcontractor, Vendor and Supplier Outreach	9
Responsibilities of Interviewers, Managers, and Supervisors	9
Internal Procedures.....	10
Audit and Reporting System	10
Proactive Processes	11
Review of Physical and Mental Job Qualifications	12
Reasonable Accommodations Due to Disability.....	13
Guidelines for Religion or National Origin.....	13
Utilization and availability analysis.....	14
Sample Reporting Forms	14
Appendix A: Voluntary Self Identification Form.....	15
Appendix B: Identification of Areas for Action	16
Appendix C: Applicant Flow Log	17
Appendix D: Personnel Activity Documentation.....	18
Appendix E: Department Workforce Analysis	19
Appendix F: Utilization Availability Analysis	20

AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy and commitment of Nevele Resort, Casino & Spa (Nevele) to provide equal employment opportunities for all employees and job applicants. Nevele endorses and will follow our EEO Policy in implementing all employment practices, policies and procedures.

Nevele will recruit, hire, train and promote persons in all job titles without regard to race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability (except where the disability prevents the individual from being able to perform the essential functions of the job and cannot be reasonably accommodated in full compliance with the law), marital status, arrest or conviction record and status as a victim of domestic violence, stalking, and sex offenses, genetic information (including family medical history) or other legally protected status. Nevele will make employment decisions so as to further the principle of equal employment opportunity. Nevele will ensure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid and nondiscriminatory requirements for promotional opportunities. Nevele also will ensure that all personnel decisions and actions, including but not limited to compensation, benefits, transfers, promotions, layoffs, returns from layoff, discipline, terminations, Nevele-sponsored training and social and recreation programs, will be administered without regard to race, color, religion, national origin, veteran status, sex, age, disability, or genetic information. Nevele will also not request, require, or purchase genetic information (including family medical history) regarding any applicant or employee or their family members except as required or permitted by law.

All employees are expected to comply with our EEO Policy. Managers and supervisors who are responsible for meeting business objectives are expected to cooperate fully in meeting our equal employment opportunity objectives and their overall performance will be evaluated accordingly.

Nevele Resort, Casino & Spa is committed to non-discrimination in the consideration of employment and the employment terms and conditions of all Nevele applicants and employees. No applicant or employee will be discriminated against or treated unfavorably because of race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status, arrest or conviction record and status as a victim of domestic violence, stalking, and sex offenses or other legally protected status). All Nevele policies and procedures will be regularly reviewed to assure their full adherence to our equal employment opportunity objectives.

Any person who is aware of any alleged violation of this policy should report such concerns to the Affirmative Action Administrator as soon as possible. Nevele will thoroughly investigate and promptly resolve all such complaints in strict compliance with all applicable laws. Employees and applicants shall not be subjected to harassment, intimidation or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by

any federal, state or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state or local law requiring equal opportunity. All employees are expected to recognize these policies and cooperate with their implementation. Violation of these policies is a disciplinary offense.

ANTI – HARASSMENT POLICY

Nevele intends to provide a productive work environment free from all forms of discrimination, including harassment on the basis of race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status, arrest or conviction record and status as a victim of domestic violence, stalking, and sex offenses or other legally protected status.

It is against the policy of Nevele for any employee, whether a manager, supervisor or coworker, to harass another employee. Prohibited harassment occurs when verbal or physical conduct that defames or shows hostility toward an individual because of his or her race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status, arrest or conviction record and status as a victim of domestic violence, stalking, and sex offenses or other legally protected status, or that of the individual's relatives, friends, or associates, creates or is intended to create an intimidating, hostile, or offensive working environment; interferes or is intended to interfere with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

1. Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts, which relate to legally protected statuses.
2. Written or graphic material that defames or shows hostility or aversion toward an individual or group because of race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status, arrest or conviction record and status as a victim of domestic violence, stalking, and sex offenses or other legally protected status and that is placed on walls, bulletin boards, or elsewhere on Nevele's premises, or that is circulated in the workplace.
3. Offensive t-shirts, sweatshirts, or tattoos.

Any employee who believes he or she has been harassed in violation of this policy is encouraged to report the conduct immediately to the Human Resources Manager or the Affirmative Action Administrator. No victim retaliation or discrimination will result from any good-faith complaint made under this policy.

A thorough and impartial investigation of all complaints will be conducted in as timely and confidential a manner as reasonably possible under the circumstances. Any employee of Nevele who has been found, after appropriate investigation, to have harassed another employee in violation of this policy will be subject to disciplinary action up to and including discharge.

DESIGNATION OF RESPONSIBILITY FOR THE AFFIRMATIVE ACTION ADMINISTRATOR

Nevele's designated person for issues concerning Affirmative Action/Equal Employment Opportunity is Kathi Meci, Chief Operating Officer and Affirmative Action Administrator, Government Center, 5th Floor, Ellenville, New York 12428, (845) 647-6000.

The Affirmative Action Administrator responsibilities include, but are not limited to, the following:

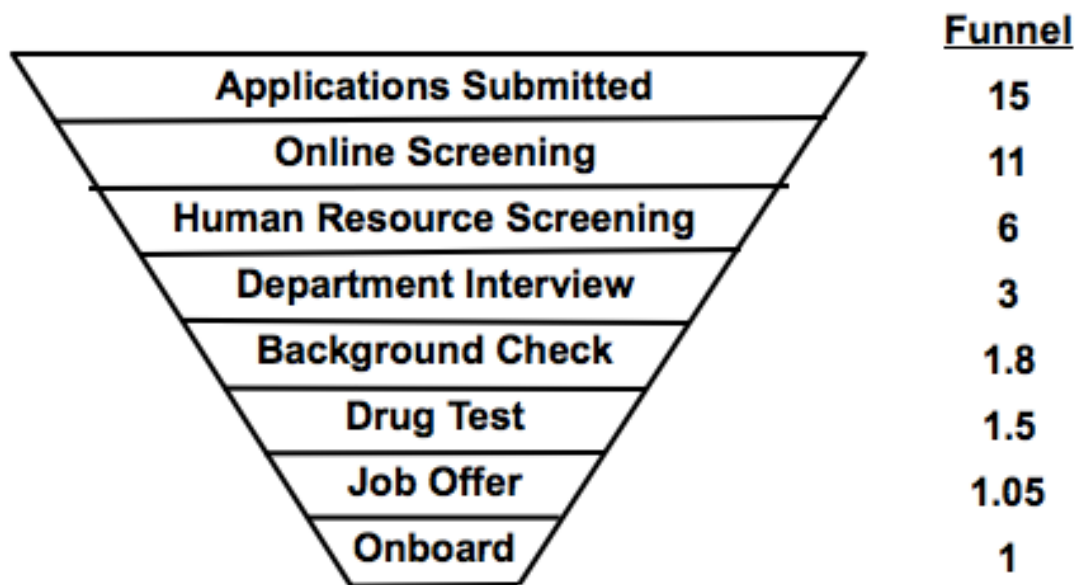
1. Developing Equal Employment Opportunity (EEO) policy statements, affirmative action programs and internal and external communication procedures;
2. Assisting in the identification of AAP/EEO problem areas;
3. Assisting management in arriving at effective solutions to AAP/EEO problems;
4. Designing and implementing an internal audit and reporting system that:
 - Measures the effectiveness of solutions to AAP/EEO problems
 - Determines the degree to which AAP goals and objectives are met
5. Keeping Nevele leadership informed of equal opportunity progress and reporting potential problem areas within the organization through regular reports;
6. Reviewing the company's AAP for qualified minorities and women with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities;
7. Auditing the contents of various bulletin boards to ensure compliance information is posted and up-to-date; and
8. Serving as liaison between the organization and enforcement agencies

THE HIRING PROCESS

It is anticipated that Nevele Resort, Casino & Spa will employ between 1,900 and 2,200 individuals, and it is Nevele's goal to recruit, hire and retain a qualified, diverse workforce reflective of the community, the applicants and customers. To help achieve this goal, Nevele will deploy a strategic plan in all aspects of hiring its employees, including training employees, which is described in the Workforce Development Program section of this application.

TALENT POOL

It is Nevele's desire to hire the most qualified, diverse, customer-friendly employees practicable. To do this, Nevele will require a talent pool of 28,500 – 33,000 applicants, per the hiring funnel below.



Part of Nevele's application process will be to invite applicants to complete a Voluntary Self-Identification form (Appendix A). Information provided on these forms will be used to analyze the applicant pool to ensure that the diversity of Nevele's employees mirrors that of the community in which Nevele operates.

EXTERNAL OUTREACH AND POSITIVE RECRUITMENT

To obtain the desired levels of qualified and diverse employees, Nevele will first build a diverse applicant base that includes a broad cross-section of the population. All recruiting sources,

including State employment agencies, educational institutions and social service agencies will be informed of Nevele's Affirmative Action program and Equal Employment Opportunity policy and will be advised to actively recruit and refer qualified persons for all Nevele job opportunities.

The following have been identified as potential recruiting sources:

- Hispanic Organizations
- African American Organizations
- Women's Organizations
- Disability Organizations
- Native American Organizations
- Local job fairs sponsored for diverse job seeker populations
- Veteran's Employment Representatives
- AARP Senior Employment Services
- State University of New York school system (SUNY)
- Boards of Cooperative Educational Services (BOCES)
- State Workforce Investment Board (WIBs)

Nevele plans to form collaborative relationships with recruitment sources and will openly discuss current and prospective position openings, job descriptions and required qualifications and explanations of selection procedures. Arrangements will be made to ensure that each recruitment source is provided notice of job opportunities, to allow recruitment sources the opportunity to refer qualified candidates.

Nevele plans to advertise job openings in local newspapers and online at Casino Careers, Careerbuilder, Monster, LinkedIn, Facebook and Twitter. All advertisements will state that Nevele is an Equal Opportunity Employer.

In addition, on 17 May 2013, Nevele signed an agreement with the Hotel-Motel Trades Council, AFL-CIO (Union). In term 4 of the agreement, Nevele agrees that:

"Prior to the start of initial hiring, the Employer shall notify the Union of its intent to hire and the positions that it seeks to fill and the qualifications therefore. The Union may furnish applicants for the job vacancies specified by the Employer. The Union's selection of applicants for referral shall be on a non-discriminatory basis and shall not be based upon or in any way affected by membership in the Union or the Union's bylaws, rules, regulations, constitutional provisions, or any other aspects or obligation of Union membership policies or requirements, or upon personal characteristics of an applicant where discrimination based upon such characteristics is prohibited by law. Any interest demonstrated by an applicant in joining the Union shall not constitute grounds for discriminatory or disparate treatment nor adversely impact the applicant's ability to be hired by the Employer. The Employer shall be the sole judge of an applicant's suitability, competence and qualifications to perform the work of any job to be filled and shall not be precluded from interviewing or hiring applicants from any other source. "

SUBCONTRACTOR, VENDOR AND SUPPLIER OUTREACH

Nevele plans to work with subcontractors, vendors and suppliers who reflect the diverse community in which the Nevele will operate. Requests for proposals to vendors will include questions about demographic information of ownership and employees of each establishment to ensure diversity is represented.

Written notification of Nevele's Equal Employment Opportunity and Affirmative Action policy will be distributed to all subcontractors, vendors and suppliers.

RESPONSIBILITIES OF INTERVIEWERS, MANAGERS AND SUPERVISORS

It will be the responsibility of all interviewing, managerial and supervisory staff to implement Nevele's Affirmative Action Program and Equal Employment Opportunity Policy. This will be critically important during the hiring process while those individuals participate in meeting, interviewing, and selecting candidates. Nevele has committed to ensuring a fair interview for all interviewees and will provide tools and training for its interviewers.

Interviewer, Manager, and Supervisor responsibilities will include:

1. Have a thorough understanding of each job position for which they are interviewing and each job position will have a job description.
2. Ask standard job-related interview questions that will be randomly selected from a bank of standard questions for each job position.
3. Review the skills and qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promoting, transferring, and employment termination actions occur.

Manager and Supervisor responsibilities additionally will include:

1. Assist in the identification of problem areas, formulating solutions, and establishing departmental goals and objectives when necessary.
2. Review the job performance of each employee to assess whether personnel actions are justified based on the employee's performance of his or her duties and responsibilities.

INTERNAL PROCEDURES

During the onboarding process, Nevele will provide each new employee a copy of the AAP/EEO policy. Nevele plans to allow inspection of copies of our affirmative action programs by any employee or applicant upon their request in order to promote understanding, acceptance and support. Policies will be re-emphasized to all employees regularly.

Nevele will post the Affirmative Action policy and the EEO poster on bulletin boards that will be located throughout our facilities.

In addition to inviting all applicants to complete a Voluntary Self-Identification Form, employees will be notified that they may self-identify at any time throughout their employment with Nevele at their own discretion.

AUDIT AND REPORTING SYSTEM

The Affirmative Action Administrator will have the responsibility for developing and preparing the formal documents of the AAP. The Affirmative Action Administrator will also be responsible for the effective implementation of the AAP; however, responsibility will also be vested with each manager and supervisor.

Nevele will implement and audit and reporting system that will be designed to:

1. Measure the effectiveness of the AAP/EEO program;
2. Document personnel activities to ensure nondiscrimination and equal employment opportunity for all individuals without regard to any protected class in the following:
 - Recruitment, advertising, and job application procedures;
 - Hiring, promotion, layoff, recall from layoff;
 - Rates of pay and any other forms of compensation including fringe benefits;
 - Job assignments, job classifications, job descriptions, and seniority lists;
 - Sick leave, leaves or absence, or any other leave;
 - Training, apprenticeships, attendance at professional meetings and conferences; and
 - Any other term, condition or privilege of employment;.
3. Identify problem areas where remedial action is needed; see sample Identification of Areas for Action (Appendix B); and
4. Determine the degree to which Nevele's AAP goals and objectives have been obtained.

Nevele will maintain the following documentation as a component of the internal audit process:

1. An Applicant Flow Log (Appendix C) showing the name, race, sex, date of application, job title, interview status and the action taken for all individuals applying for job opportunities;
2. Personnel Activity Documentation (Appendix D) of external job offers and hires, promotions, resignations, terminations, and layoffs by job group and by sex and minority group identification;
3. A Department Workforce Analysis (Appendix E) of summary data of employees in each department or work unit and identify job titles, wage rates, EEO-1 categories, total employees, total male & female employees, and total number of employees in each race or ethnicity
4. Maintenance of employment applications (not to exceed one year); and
5. Employment records pertaining to Nevele's compensation system.

Nevele's audit system will include a quarterly report documenting our efforts to achieve EEO/AAP responsibilities. Managers and supervisors will be asked to report any current or foreseeable EEO problem areas and will be asked to outline their suggestions/recommendations for solutions. If problem areas arise, the manager or supervisor will be asked to report problem areas immediately to the Affirmative Action Administrator.

During quarterly reporting, the following will occur:

1. The Affirmative Action Administrator will discuss any problems with Nevele leadership.
2. The Affirmative Action Administrator will report the status of Nevele's AAP goals and objectives to Nevele leadership. This will include any recommendations for remedial actions to achieve effective implementation of the AAP.

PROACTIVE PROCESSES

Nevele plans to implement proactive processes in an ongoing effort to achieve effective implementation of the AAP.

These processes will include:

1. Conducting annual analyses of job descriptions to ensure they accurately reflect job functions;
2. Reviewing job descriptions by department and job title using job performance criteria;

3. Making job descriptions available to recruiting sources and available to all members of management involved in the recruiting, screening, selection and promotion processes;
4. Evaluating the total selection process to ensure freedom from bias through:
 - Reviewing job applications and other pre-employment forms to ensure information requested is job-related;
 - Evaluating selection methods that may have a disparate impact to ensure that they are job-related and consistent with business necessity;
 - Training personnel and management staff on proper interview techniques; and
 - Training in EEO for management and supervisory staff;
5. Using techniques to recruit minority and female applicants:
 - Include the phrase "Equal Opportunity Employer" in all printed employment advertisements;
 - Place help wanted advertisements, when appropriate, in local minority news media and women's interest media;
 - Disseminate information on job opportunities to organizations representing minorities, women and employment development agencies when job opportunities occur;
 - Encourage all employees to refer qualified applicants;
 - Actively recruit at secondary schools, junior colleges, colleges and universities with predominantly minority or female enrollments; and
 - Request employment agencies to refer qualified minorities and women;
6. Ensuring all employees are given equal opportunity for promotion:
 - Posting promotional opportunities;
 - Offering mentoring to assist employees in identifying promotional opportunities, training and educational programs to enhance promotions and opportunities for job rotation or transfer; and
 - Evaluating job requirements for promotion.

Nevele will regularly review its personnel process to determine whether its present procedures assure careful, thorough and systematic consideration of the qualifications of protected individuals. This review will cover all procedures related to the filling of job vacancies either by hire or by promotion, as well as all training opportunities offered or made available to employees.

REVIEW OF PHYSICAL AND MENTAL JOB QUALIFICATIONS

To the extent that such qualifications requirements will not screen out qualified individuals with disabilities and qualified veterans with a disabilities, job qualifications will regularly be reviewed

to ensure qualifications are job-related, are consistent with business necessity, and allow safe performance of a job.

If at any time in the future, Nevele should inquire into an employee's or prospective employee's physical or mental condition or should conduct a medical examination, Nevele affirms that such inquiries or exams will be conducted in accordance with Section 503 of the Rehabilitation Act of 1973 and that information obtained as a result of the inquiry or exam will be kept confidential, except as otherwise provided for in the Section 503 regulations. The results of the examination or inquiry will only be used in accordance with the Section 503 Regulations.

REASONABLE ACCOMMODATIONS DUE TO DISABILITY

Nevele commits to making reasonable accommodation to the known physical or mental limitations of qualified individuals with disabilities and qualified veterans with a disability, unless such accommodation would impose an undue hardship on the conduct of its business.

Nevele also commits to engaging in an interactive process with the person requesting the accommodation (or their representative), as needed, to determine an appropriate accommodation.

Undue hardship will be determined by assessing whether the requested accommodation would cause significant difficulty or expense, as provided for in the Section 503 regulations.

GUIDELINES FOR RELIGION OR NATIONAL ORIGIN

It is the policy of Nevele to take affirmative action to insure that applicants are employed, without regard to their religion or national origin. Such action includes, but is not limited to the following employment practices: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation and selection for training.

Reasonable accommodations to the religious observances and practices of employees or prospective employees will be made, unless doing so would result in undue hardship. In determining whether undue hardship exists, factors such as the cost to the company and the impact on the rights of other employees.

UTILIZATION AND AVAILABILITY ANALYSIS

Nevele will access demographic statistics of minorities or women with requisite skills in the reasonable recruitment area in which the organization will operate in order to establish recruiting goals for minorities or women for each OFFCP job category.

Once fully staffed, Nevele will then document Utilization Availability Analysis (Appendix F) percentage of minorities or women among those promotable, transferable, and trainable within the organization to determine how well Nevele's employee population mirrors the local population.

In those instances where one job category needs action to better meet the Nevele's AAP guidelines, the Affirmative Action Administrator will work with managers, supervisors and the Nevele leadership team to develop a remedial plan of action to increase protected class recruitment for that job category.

APPENDIX A

Voluntary Self-Identification Form

Nevele is an Equal Opportunity Employer. As required by law, we must record certain information to be made a part of our Affirmative Action Program.

Applicants for employment are also invited to participate in the Affirmative Action Program by reporting their status as disabled, disabled veteran, veteran of the Vietnam era or other minority.

In extending this invitation you are also advised that:

- I. Applicants are under no obligation to respond, but may do so in the future if they choose;
- II. Responses will remain confidential within the Human Resources Department; and
- III. Responses will be used only for the necessary information to include in our Affirmative Action Program.

We are a company that values diversity. We actively encourage women and minorities to apply.

Refusal to provide this information will have no bearing on your application and will not subject you to any adverse treatment.

Name: _____

Date: _____

Position Applied For: _____

Race or Ethnicity:	Gender:	Veteran Status	Disability Status
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Male	<input type="checkbox"/> Veteran	<input type="checkbox"/> Individual with disabilities
<input type="checkbox"/> White	<input type="checkbox"/> Female	<input type="checkbox"/> Not a Veteran	
<input type="checkbox"/> Black or African American			
<input type="checkbox"/> Native Hawaiian or Pacific Islander			
<input type="checkbox"/> Asian			
<input type="checkbox"/> American Indian or Alaskan Native			
<input type="checkbox"/> 2 or more races			

☐ I decline to self-identify at this time.

Signature: _____

APPENDIX B

Identification of Areas for Action

Job Group	Female Incumbency %	Female Availability %	Establish Goal? Yes / No	If Yes, Goal for Females	Minority Incumbency %	Minority Availability %	Establish Goal? Yes / No	If Yes, Goal for Minorities
1								
2								
3								
4								
5								
6								
7								
8								

** Nevele will follow the 80% rule of thumb in declaring underutilization and establishing goals when the actual employment of minorities or females is less than 80% of their availability. If the female/minority incumbency percent (%) is less than the female/minority availability percent (%) and the ratio of incumbency to availability is less than 80%, a placement goal should be included in the appropriate "If Yes" column

Applicant Flow Log

*Legend: Y = Yes, N=No, H=Hired, NH=Not Hired

Personnel Activity Documentation

OFCCP Category: EXAMPLE Job Group:	External Hires		External Applicants		Promotions – Into Job Group		Promotions – Within Job Group	
	Males	Females	Males	Females	Males	Females	Males	Females
White								
Black/African American								
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic								
2 or more races								
Race Missing or Unknown								
TOTAL (count each person only once)								
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	Males	Females	Males	Females	Males	Females	Males	Females
White								
Black/African American								
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic								
2 or more races								
Race Missing or Unknown								
TOTAL (count each person only once)								

APPENDIX E

Department Workforce Analysis

DEPARTMENT/WORK UNIT:					Males						Females					
Job Title	Wage Rate	EEO-1 Category	Job Group	Total Employees	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic
Department Total																

Utilization Availability Analysis

OFFCP Job Category:	Raw Statistics		Value Weight	Weighted Statistics		Source of Statistics	Reason for Weighting
	Minority	Female		Minority	Female		
1. Percentage of minorities or women with requisite skills in the reasonable recruitment area							
2. Percentage of minorities or women among those promotable, transferable, and trainable within the organization.							
Totals:							