

SUMMARY OF LABOR HARMONY AGREEMENT WITH ORGANIZED LABOR

A. A signed Agreement dated May 17, 2013 between the Applicant and the New York Hotel and Motel Trades Council. This Agreement is commonly referred to as a “Card Check Neutrality Agreement”. The stated purpose of the Agreement is “to ensure that the employees in the below described bargaining unit(s) has the opportunity to express their desire whether or not to be represented for the purposes of collective bargaining in an atmosphere free from intimidation, restraint, coercion or discrimination and further; that any organizing dispute may be resolved amicably by arbitration and without resort to litigation or proceedings before the National Labor Relations Board, Courts or other governmental agency.”

Consistent with the purpose of the Agreement, the Union:

- Is given the right to refer applicants for vacant positions even before the Union is the certified bargaining representative.
- Supervisors, including their agents and representatives, are prohibited from making any statement that will directly or indirectly imply the Employer’s opinion of whether or not the employees should unionize or as to the reputation of the union or any of its officers.
- The Union is permitted to have its organizers or representatives enter the site to meet with employees.
- The Union can request that the card count can be scheduled on 48 hours’ notice.
- The card count determined by an Arbitrator is final and binding.
- If the Union is certified as the majority representative, the Employer must recognize the Union and “promptly and expeditiously commence negotiations.’
- If the parties are unable to reach an agreement, the Arbitrator is empowered to act as interest arbitrator to resolve the terms of the parties’ collective bargaining agreement.
- The Agreement does not have an expiration date; the Union has an indefinite period of time to exercise its rights, establishing great likelihood that the Project will consist of employees represented by the Hotel Trades Council.

The unit(s) which the Hotel Trades Council may organize is exceedingly broad covering all of the following classifications and “any departments or classifications performing similar work under another name, or any combination of such classifications” :

Hotel, Conference Center, Restaurant, Bar, Banquet, VLT, Casino, Slot Attendants, Cashiers (including booth and cage), Hard and Soft Count Employees, Change Persons, carousel Attendants, Dealers, Hosts, Guest Service and Players’ Club Representatives, Housekeeping, Cleaners, front Service, PBX, Front Desk, Engineering, Maintenance, Reservations, Banquets, Room Service, Kitchen, Stewarding, Food and Beverage, Bar, Dining Room, Employee Cafeteria, Laundry, Valet, Parking, Coat Check, Shipping and Receiving, Business Center, Audio Visual, Health Club, Spa, Minibar, Security, and Concierge.

B. “A Project Labor Agreement for the Construction Related to the Nevele Resort, Casino and Spa” between the Applicant and the Local Union affiliated with the Hudson Valley Building and Construction Trades Council.

Based on the foregoing, Applicant responds to the specific questions as follows:

1. The number of employees to be employed at the proposed Gaming Facility, including detailed information on the pay rate and benefits for employees and contractors.

Answer: As set forth in the Agreement with the Hotel Trades Council, the wages and benefits applicable to the unit employees will be negotiated between the parties, or determined by an Arbitrator. At this time, Applicant projects that there will be 1,721 employees covered by the Agreement with the Hotel Trades Council in addition to another 629 non-union and managerial employees.

2. The total amount of investment in the proposed Gaming Facility and all infrastructure improvements related to the project.

Answer : \$527,097,895

3. Completed studies and reports including an economic benefit study, for the State, the Region, and the Host Municipality, and

Answer : The referenced studies have been completed, inserted in this RFA in the requested exhibit sections and shared between the parties relevant to this labor harmony exhibit.

4. Detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the Gaming Facility.

Answer: Labor harmony throughout the construction of the Project is assured on the basis of several provisions in the aforementioned Project Labor Agreement. In order to eliminate potential jurisdictional disputes, the Project Labor Agreement has a "Grievance and Arbitration Procedure" to resolve "any question, dispute or claim arising out of or involving the interpretation or application of the Project Labor Agreement. This binding dispute resolution process covers the entirety of the construction phase of the Project - the construction, renovation and development of the facility. The protections in the Project Labor Agreement contains against possible jurisdictional disputes between the Unions extends to" any strikes, sympathy strikes, work stoppages, shut downs, picketing or other disruptive activity of any kind." The Local Unions further commit that no jurisdictional dispute shall affect construction of the various contractors of the Project "or the progress of the Project."

Labor harmony during the construction of the Project is additionally enhanced by a comprehensive "No Strike – No Lock Out provision", as follows:

ARTICLE 7 – WORK STOPPAGE AND LOCKOUTS

Section 1. No Strikes, No Lock Out

"There shall be no strikes, sympathy strikes, picketing, work stoppages, slowdown, hand billing, demonstrations or other disruptive activity at the Project site for any reason by any Local Union or Employee against any Contractor or Employer while performing work at the Project site, except for non-payment of wages and benefits as per Schedule A. There shall be no other Local Union or concerted Employee activity which disrupts or interferes with the operation of the Project. Failure of any Local Union or Employee to cross any picket line established by any union signatory or non-signatory to this Agreement or the picket or demonstration line of any other organization, at or in proximity to the Project site is a violation of this Article 7. There shall be no lockout at the Project by Owner or any Contractor. Contractors and Local Unions shall take all steps necessary to ensure compliance with this Section 1.

The Agreement with the Hotel Trades Council covering the indefinite time period that the Union has to organize employees prohibits the Union from causing "any disruption of work, picketing, strikes, slowdowns, boycotts, demonstrations, rallies, handbilling, corporate campaigns or other work stoppages of the Project. The Applicant agrees not to lock-out the employees. There is also an express commitment by the Applicant that it will not lock out the employees."

5. The Agreement with the New York Hotel Trades Council, commonly referred to as a Card Check Neutrality Agreement, is a streamlined and simplified non-adversarial approach by which the Hotel Trades Council may gain the right to represent the Project employees for collective bargaining. The New York Hotel Trades Council is the premier hospitality union in New York State representing over 32,000 employees in hotels, motels, restaurants, clubs, catering and gaming establishments in the State.

As discussed, the Agreement with the Hotel Trade Council assures labor peace at the Project even before the Union is certified as the collective bargaining representative of the employees. This protection is asserted by the broad and sweeping prohibition on strikes and lockouts during union organizing and covers all non-managerial employees. Most significantly, this prohibition continues from the organizing stage through the bargaining process and the execution of the parties' collective bargaining agreement.