

# **GOLDEN NUGGET**

**Lake Charles**

**Biloxi**

**Cripple Creek**

**Lake Tahoe**

## **EMPLOYEE HANDBOOK**

**June 2024**

### **LANDRY'S**

Landry's and its affiliates own and operate restaurants, hotels, casinos, amusements, and other businesses through various subsidiaries. **Your actual employer, the "Company", will be a Landry's subsidiary or affiliate that owns and operates the restaurant/hotel/business at which you work and is usually noted on your pay stub.**

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## OVERVIEW

We prepared this Handbook, including any applicable state supplement, to assist you in finding answers to many of the most frequently asked questions regarding personnel policies, compensation, and benefits. Of course, feel free to ask your general manager and/or Human Resources Department any questions regarding your employment.

The contents of this Handbook are guidelines only and supersede any prior Handbook. The Company has the right, with or without notice, in an individual case or generally, to change and/or modify its interpretation of any of its guidelines, policies, practices, working conditions, or benefits at any time, unless otherwise restricted by applicable law. Nothing in this Handbook should be construed as a promise of specific treatment in any specific situation upon which any employee should rely. Additionally, some matters covered by this Handbook, such as benefits, are also described in separate official documents, and such official documents are always controlling over any statement made in this Handbook or by any supervisor or manager.

Anyone found to be in violation of any Company policy or provision may be subject to disciplinary action, up to and including termination of employment.

This handbook does not prohibit protected conduct or communications relating to your wages, hours or working conditions, or any other conduct protected by Section 7 of the National Labor Relations Act. Furthermore, nothing in this handbook prohibits an employee from reporting concerns, making lawful disclosures or communicating with any governmental authority about conduct that any employee believes violates any laws or regulations.

**NEITHER THIS HANDBOOK NOR ANY OTHER COMPANY GUIDELINES, POLICIES, OR PRACTICES CREATES AN EMPLOYMENT CONTRACT, BARGAIN, OR AGREEMENT OR CONFERS ANY CONTRACTUAL RIGHTS WHATSOEVER. UNLESS OTHERWISE PROVIDED BY APPLICABLE LAW. EMPLOYMENT WITH THE COMPANY IS AT-WILL, AND EITHER THE EMPLOYEE OR THE COMPANY MAY TERMINATE EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE, REASON OR NOTICE. NO REPRESENTATIVE OF THE COMPANY IS AUTHORIZED TO PROVIDE ANY EMPLOYEE, INDIVIDUALLY OR ON A COLLECTIVE BASIS, WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING THE TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR AGREEMENT IS IN WRITING AND SIGNED BY AN EXECUTIVE VICE PRESIDENT.**

This notice applies to all employees regardless of date of hire.

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## **WELCOME!**

Dear Employee,

Welcome, we're glad you've joined the team. You are now a member of one of the nation's largest restaurant, hospitality, entertainment, amusement and gaming companies. Since opening our doors in 1980, we have considered our employees to be our greatest asset. Your talents, skills and enthusiasm are the very heartbeat of this Company. Your contribution is vital to our success.

Our number one priority is to provide an exceptional guest experience for our customers. Great food, exceptional service and absolute cleanliness go a long way toward accomplishing this goal. We care passionately that our customers leave our restaurants and entertainment venues satisfied. Our livelihood depends on it. We want them to come back again and again. In a competitive business like ours, there are simply "no spare customers." Keep your focus on the customers and be relentless in making them happy. That's the very spirit and culture of our organization.

Through teamwork, we have become an exciting and very successful organization. Success doesn't just happen; it takes leadership and a culture of excellence to keep our customers coming back. We don't want to follow anyone's standards in our industry. We want to set them.

Our future is bright. Our organization will continue to grow as long as we find good people like you. Opportunities for advancement abound, and we prefer to promote from within the organization. Make a difference and your efforts will be recognized. Give your best at all times and you will be well rewarded.

Welcome aboard!



Tilman J. Fertitta  
Chairman and Chief Executive Officer

## **HISTORY OF LANDRY'S**

The first Landry's Seafood House restaurant opened in 1980 in Katy, Texas. The slightly more upscale Willie G's Seafood & Steak House opened in Houston a year later. Tilman J. Fertitta, the Company's Chairman and CEO, acquired a controlling interest in both restaurants in 1986. A prominent Houston entrepreneur, Fertitta knew a thing or two about the seafood business, having grown up peeling shrimp and waiting tables at his father's surfside eatery in Galveston, Texas. In 1988, Fertitta acquired sole control of the Company.

Fertitta created a plan to extend his dining concept throughout the United States. A businessman by trade, he continued to believe in his product and his dream of expansion, and the Company grew from two to eleven restaurants in five years.

Aiming for faster growth and expansion, Fertitta turned to Wall Street. On August 19, 1993, the Company went public under the name Landry's Seafood Restaurants, Inc.

Fueled with investment capital, the Company began opening restaurants throughout the southern United States. In May 1994, the Company acquired a single Joe's Crab Shack, and grew the chain to over 120 units over a 10-year period and sold the chain in 2006. Interestingly enough, the Company reacquired a much smaller Joe's Crab Shack chain in August of 2017.

In 1998, the Company completed the development of the 40-acre Kemah Boardwalk, which has been named one of the top ten American Boardwalks by Forbes Traveler Magazine.

The Company leapt further into the specialty realm in late 2000, when it purchased the Rainforest Cafe, a combination restaurant/retail entertainment operation.

Growth accelerated in 2002 when The Chart House restaurants, Saltgrass Steak House, Gandy Dancer and Grand Concourse joined our family of restaurants.

The Downtown Aquarium, located in downtown Houston, opened in early 2003, featuring exhibits, a train ride through a tunnel of sharks, amusements and the Aquarium restaurant.

In 2003, the Company opened the world-class steakhouse Vic & Anthony's, and reacquainted Houston with Brenner's Steakhouse, a tradition since 1936.

Opportunity came knocking in the fall of 2003 when we welcomed La Griglia and Grotto restaurants, which were originally founded in Houston.

The Company hit the jackpot in 2005 with the acquisition of the Golden Nugget Hotel & Casinos in Las Vegas and Laughlin, Nevada. The Golden Nugget Las Vegas is the most luxurious resort along the Fremont Street Experience.

The newly remodeled Tower of the Americas, reopened in the summer of 2006, offers breathtaking views of San Antonio from 750 feet high.

The Company's master-planned redevelopment of Galveston's Seawall Boulevard included the Galveston Island Convention Center. In addition, the Company owns and operates the AAA Four Diamond San Luis Resort, Spa & Conference Center, the Hilton Galveston Island Resort, and the Holiday Inn Resort on the Beach.

Another one of the Company's shining stars is the Westin Hotel located across the street from Houston's Minute Maid Park, home of the Houston Astros Major League Baseball Club.

In October 2010, Fertitta took Landry's private by purchasing all outstanding shares of Landry's stock and acquiring sole control and ownership of the Company.

Expansion continued in December 2010 when Bubba Gump Shrimp Co. was acquired. The concept is built around the movie Forrest Gump™.

Adding to the Golden Nugget brand in 2011, Fertitta purchased the Trump Marina Hotel and Casino in Atlantic City and rebranded it the Golden Nugget.

In January 2012, we ushered in a new year of growth with the acquisition of McCormick & Schmick's Seafood Restaurants and Morton's - The Steakhouse.

In 2012, we also renovated, opened, and restored the Galveston Pier to its magnificent roots as the preeminent Historic Pleasure Pier featuring waterfront dining and amusements.

The world-renowned Golden Nugget made its debut on the Mississippi Gulf Coast in 2013.

In May 2013, growth continued with the acquisition of Mastro's Restaurants, a collection of sophisticated Steakhouses and Ocean Club Seafood locations.

In December 2014, the brand new Golden Nugget Lake Charles opened in Lake Charles, Louisiana, only two hours from Houston, Texas.

In January 2015, the Company further expanded its holdings to include the Mitchell's family of restaurants, which includes Mitchell's Fish Markets and Steakhouses.

December 2016 brought growth that expanded the Company's profile in New York City with the acquisition of B.R. Guest Hospitality, operating under the names Bill's Bar & Burgers, Dos Caminos, Strip House, and Blue Fin.

In 2017, the company partnered with New York City-based Catch Hospitality Group, founder of Catch seafood and steak restaurants, and Go Rio San Antonio, operators of San Antonio's river barges. Also, the company welcomed Joe's Crab Shack back, along with Brick House Tavern + Tap. Mr. Fertitta also fulfilled a personal dream by purchasing the NBA's Houston Rockets.

The Post Oak Hotel opened in early 2018 in Houston, Texas. The Post Oak Hotel combines luxury accommodations with high-rise living, spa, dining and shopping. In addition, the Post Oak Hotel is the only Texas Forbes Five-Star Hotel and Spa and Houston's only AAA Five-Diamond destination.

Beginning in September 2019, Landry's acquired more than 20 additional brands including Del Frisco's Double Eagle Steakhouse, Del Frisco's Grille, Palm Restaurants, Cadillac Ranch, Houlihan's Restaurants, and Restaurants Unlimited, Inc.

In 2022 and 2023, the Wildwood Casino in Cripple Creek Colorado and The Hard Rock Hotel and Casino in Lake Tahoe were acquired and rebranded as Golden Nugget.

We welcome you to make history together with us!

## **COMMITMENT TO PEOPLE**

### **EQUAL EMPLOYMENT OPPORTUNITY**

Employment decisions are based on merit, qualifications, and ability. We provide equal employment and advancement opportunities to all individuals. We do not discriminate in employment opportunities or practices on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth, related medical conditions and lactation), gender identity or gender expression (including transgender status), sexual orientation, marital status, military service and veteran status, disability, protected medical condition as defined by applicable state or local law, genetic information, or any other characteristic protected by applicable federal, state, or local laws and ordinances.

The Company is committed to complying with applicable federal, state and local laws governing reasonable accommodations of individuals, including but not limited to the Americans with Disabilities Act (“ADA”). To that end, we will endeavor to make a reasonable accommodation to applicants and employees who have requested an accommodation or for who the Company has notice may require such an accommodation. Such accommodations will be considered without regard to any protected classifications, related to an individual’s: (i) disability, meaning any physical, medical, mental, or psychological impairment, or a history or record of such impairment; (ii) sincerely held religious beliefs and practices; (iii) needs as a victim of domestic violence, sex offenses or stalking; (iv) needs related to pregnancy, childbirth or related medical conditions; and/or (v) any other reason required by applicable law, unless the accommodation would impose an undue hardship on the operation of our business. Any employee who requires an accommodation to perform the essential functions of their job should contact their supervisor or Human Resources to request that accommodation. The Company will work with that individual to attempt to identify a reasonable accommodation that will not impose an undue hardship on the Company.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. If you have any questions or concerns about equal employment opportunities in the workplace, you are encouraged to contact your supervisor or the Company’s Human Resources Department at 1-800-394-3839. Reports of discrimination should be made in accordance with the Reporting Procedures set forth in the Discrimination, Harassment & Retaliation Prevention policy as well as any procedures set forth in any applicable state supplement. Employees can express concerns and make reports without fear of reprisal. We will not allow any form of retaliation against employees who raise issues of equal employment opportunities in the workplace.

### **ACCOMMODATING GUESTS WITH DISABILITIES**

To ensure persons with disabilities have access to the same amenities available to all guests of the Company in compliance with Title III of the Americans with Disabilities Act and any amendments/revisions as well as any applicable state/local laws, the following procedures have been established.

This policy only serves as a general outline of the Company’s commitment and policies concerning accommodations for guests with disabilities. Employees will receive additional information during their employment based on their position with the Company. If an employee is unsure of how to accommodate a guest with a disability, they should contact their manager or supervisor immediately for assistance.



There are a variety of accommodations that the Company may be able to offer disabled guests. For example, auxiliary aids and services may be provided to blind or visually impaired guests such as assisting a visually impaired guest in reading a menu or bill, or in counting and identifying currency. Guests with disabilities, including those with hearing impairments, have the same access to the reservation system through online and telephonic means as other guests, and at our restaurants, may be provided with paper and pens or pencils for communication, as needed. Guests with special dietary needs due to food allergies or medical conditions will have access to individuals with knowledge that can assist them with food choices. The Company maintains detailed policies about food handling in these situations. Any time a server is confronted with a guest with a food allergy, they must contact a manager immediately for assistance.

In addition, employees who take reservations are trained to ensure that they have ready access to information about the restaurant's accessibility features so they can easily answer any such questions. Through a variety of different seating arrangements, our dining rooms have been designed to accommodate wheelchair and/or other accessibility needs. In addition, employees should ensure that all pathways are clear for travel by mobility-impaired guests. Moreover, our locations maintain accessible features inside and outside, such as ramps, wheelchair accessible bathrooms and tables.

Access to parking spaces will vary by location, but generally each location will have either parking spaces reserved for individuals with disabilities and/or offer valet parking. Be sure you are aware of the location of any reserved parking spaces for your location.

On certain occasions, the Company may have guests who rely on service animals. A service animal will usually be a dog (of various sizes and breeds) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, such as a seeing or hearing impairment. The law limits the questions you can ask a guest to ascertain whether the animal is a service animal. Naturally, on many occasions it will be readily apparent that an animal is a service animal, and no questions should be asked. If you believe it is necessary to question a guest, you are limited to two basic questions:

1. Is the animal required because of disability?
2. What task or work is the animal trained to perform?

You may not inquire into the nature or extent of the person's disability and cannot require documentation, certification, licenses or other proof that the animal is a service animal. A service animal is permitted in public areas of the restaurant, including the dining rooms, at no additional charge or condition. A service animal must have a leash or a harness unless the handler is unable to use the leash or harness due to their disability, or it would interfere with the animal's ability to perform work or tasks.

If other guests object to the presence of a service animal, the objecting guest should be kindly told that service animals are welcome and that guests with disabilities have the right under federal law to have their service animals in public facilities. Always offer to accommodate the objecting guest by moving them to the next available table away from the service animal.

If a service animal ever presents a danger to anyone or if it is unreasonably disruptive (i.e. excessive barking), a manager has the right to request that the service animal be removed from

the property. If this occurs, the disabled guest will still be welcome if they can make other arrangements that allow them to stay without the assistance of their service animal.

The Company takes accommodating guests with disabilities seriously. It is important that the Company's employees comply with all of the standards and policies set forth above and that all necessary measures be taken to ensure guests with disabilities are treated the same as guests without disabilities so that every guest may enjoy our facilities. These policies and procedures may not be all-inclusive, so if at any time, you have a question or are unsure of any policy or procedure as it relates to a guest with a disability, please contact your manager or supervisor for guidance.

## **DISCRIMINATION, HARASSMENT AND RETALIATION PREVENTION POLICY**

The Company does not tolerate and prohibits discrimination or harassment of or against our employees, job applicants, contractors, interns or volunteers by another employee, supervisor, vendor, customer, or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth, related medical conditions and lactation), gender identity or gender expression (including transgender status), sexual orientation, marital status, military service and veteran status, disability, protected medical condition as defined by applicable state or local law, genetic information, or any other characteristic protected by applicable federal, state, or local laws and ordinances (referred to as "protected characteristics"). The Company also prohibits retaliation as defined below.

The Company is committed to a workplace free of discrimination, harassment and retaliation. These behaviors are unacceptable in the workplace and in any work-related settings such as remote work settings, business trips and Company sponsored social functions, regardless of whether the conduct is engaged in by a supervisor, co-worker, client, customer, vendor or other third party. In addition to being a violation of this policy, discrimination, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws and ordinances also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws and ordinances are unlawful.

### **Discrimination Defined**

Discrimination under this policy generally means treating differently or denying or granting a benefit to an individual because of the individual's actual or perceived protected characteristic.

### **Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual based on or because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy even if it does not rise to the level of a violation of applicable federal, state, or local laws and ordinances. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

### **Sexual Harassment Defined**

Sexual harassment includes harassment on the basis of sex or gender (including pregnancy, childbirth, related medical conditions and lactation), gender identity or gender expression (including transgender status), and/or sexual orientation. Sexual harassment includes unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature or which is directed at an individual because of that individual's sex or gender (including pregnancy, childbirth, related medical conditions and lactation), gender identity or gender expression (including transgender status), and/or sexual orientation when:

- Submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- The conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of conduct that violates this policy include:

- unwelcome flirtations, leering, whistling, touching, pinching, assault, brushing up against someone's body, blocking normal movement
- requests or demands for sexual favors
- obscene or vulgar gestures, posters, or comments
- sexual jokes or comments about a person's body, sexual prowess, or sexual deficiencies
- propositions, or suggestive or insulting comments of a sexual nature
- derogatory cartoons, posters, and drawings
- sexually explicit e-mails, texts, voicemails or other communications
- uninvited touching of a sexual nature
- unwelcome sexually related comments
- comments, inquiries, or gossip about one's own or someone else's sex life or sexual activities
- conduct or comments consistently targeted at only one gender, even if the content is not sexual
- teasing or other conduct directed toward a person because of the person's gender

### **Retaliation Defined**

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to: any action that would discourage or keep an individual from reporting discrimination, harassment or retaliation; shunning and avoiding an individual who reports discrimination, harassment or retaliation; express or implied threats or intimidation intended to prevent an individual from reporting discrimination, harassment or retaliation; and denying employment benefits because an applicant or employee reported discrimination, harassment or retaliation or participated in the reporting and investigation of discrimination, harassment or retaliation.

### **Reporting Procedures**

The following steps have been put into place to ensure the work environment at the Company is respectful, professional, and free of discrimination, harassment and retaliation. If an employee believes someone has violated this policy, the employee should promptly bring the matter to the immediate attention of their manager, General Manager, Regional Director, Vice President, or the Human Resources Department. Employees who are not comfortable discussing the problem with their managers, or who feel the situation has not been resolved, should promptly contact the Human Resources Department. To report an incident to the Human Resources Department, you

may dial 1-800-394-3839, or send an email to [eerelations@ldry.com](mailto:eerelations@ldry.com). Written complaints can also be submitted internally using the Employee Communication Form on the Employee Portal at <https://employees.ldry.com/>. Use of this written complaint form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable. If the employee makes a complaint under this policy and has not received an initial response within 5 business days, the employee should contact the Sr. Director of Human Resources or Sr. Vice President of Human Resources immediately.

Every supervisor or manager who learns of any employee's concern about conduct in violation of this policy, whether in a formal complaint or informally, or who otherwise is aware of conduct in violation of this policy must immediately report the issues raised or conduct to Human Resources or Senior Management (Sr. Director of Human Resources, or Vice President of Human Resources).

### **Investigation Procedures**

Upon receiving a complaint, the Company will promptly conduct a fair and thorough investigation into the facts and circumstances of any claim of a violation of this policy that is fair for all parties. To the extent possible, the Company will endeavor to keep the reporting employee's concerns confidential. However, complete confidentiality may not be possible in all circumstances. Employees are required to cooperate in all investigations conducted pursuant to this policy.

During the investigation, the Company generally will interview the complainant and the accused, conduct further interviews as necessary and review any relevant documents or other information. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

Upon completion of the investigation, the Company will determine whether this policy has been violated based upon its reasonable evaluation of the information gathered during the investigation. The Company will inform the complainant and the accused of the conclusion of the investigation.

In the event the Company determines that a violation of this policy has occurred, the Company will take steps to ensure a safe work environment for the individuals who experienced the complained-of conduct. The Company will take corrective measures against any person who it finds to have engaged in conduct in violation of this policy, if the Company determines such measures are necessary. These measures may include, but are not limited to, counseling, suspension, or immediate termination. Anyone, regardless of position or title, who the Company determines has engaged in conduct that violates this policy will be subject to discipline, up to and including termination. This includes individuals engaging in discrimination, harassment or retaliation, as well as supervisors or managers who fail to report violations of this policy, or knowingly allow prohibited conduct to continue. Individuals who engage in conduct that rises to the level of a violation of law can be held personally liable for such conduct.

\* \* \* \*

Remember, we cannot remedy claimed discrimination, harassment or retaliation unless you bring these claims to the attention of management. Please report any conduct which you believe violates this policy.

### **OPEN DOOR**

Our experience has shown that direct and open communication between employees and their supervisors creates a positive work environment. You have a right as an employee to ask questions of anyone, at any time about anything, and receive a prompt answer.

You can take advantage of the Open Door Policy without fear of reprisal. When you have a question, concern or idea, your immediate supervisor typically is in the best position to respond quickly and accurately. If you need further clarification or if you do not feel comfortable speaking with your supervisor for any reason, ask to meet with your general manager or department head. By presenting your ideas and concerns, our hope is to be able to solve your problems at the unit level. If you still feel the matter has not been fairly handled, if the matter involves your general manager or department head or you otherwise do not feel comfortable speaking with your general manager or department head for any reason, you may contact the Human Resources Department at 1-800-394-3839. Note that this policy does not replace reporting procedures set forth in other policies such as in the case of harassment.

While employees are welcome to use the Open Door policy as soon as an issue arises, an employee is especially encouraged to communicate directly to Human Resources whenever the employee believes working conditions are such that the employee believes they are forced to resign. This allows Human Resources to investigate and determine if there is a solution for the employee and Company.

### **CONTACTING HUMAN RESOURCES**

While the Human Resources Department may not always be available on your property, they are just a phone call or email away. Human Resources can be reached via the Employee Hotline at 1-800-394-3839 or by email at [EERelations@ldry.com](mailto:EERelations@ldry.com). In addition, you can submit any questions, concerns, or ideas via the Employee Communication form on the Employee Portal at <http://employees.ldry.com>.

### **LACTATION ACCOMMODATION**

The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's child, to the extent required and in accordance with applicable law. The break time, if possible and permitted by applicable law, must run concurrently with rest and meal periods already provided to the employee. If the break time does not run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid, to the extent permitted by applicable law.

The Company will make reasonable efforts to provide employees with the use of a room or location in close proximity to the employee's work area, other than a bathroom, for the employee to express milk in private. This location may be the employee's private office, if applicable. Any employees seeking an accommodation under this policy may make up the time from any additional unpaid breaks (as applicable) either before or after the employee's scheduled shift.

Employees will not be discriminated against or retaliated against for exercising their rights under this policy. Please speak to the Human Resources Department if you have questions regarding this policy.

### **RESPECT FOR THE DIVERSITY OF OTHERS & INTOLERANCE FOR PREJUDICE**

We must all work together and encourage a professional and inclusive environment so that we can successfully achieve our goals. In an effort to improve our work environment, we ask that employees and managers keep a few things in mind when interacting with others, including co-workers, guests, vendors, and any other individual associated with the workplace.

Always practice tolerance for diversity and intolerance for prejudice. Do not make assumptions about guests or employees based upon their race, color, religion, sex, national origin, age, disability, medical condition, veteran status or sexual orientation or any other characteristic.

Judgment based on these differences causes a negative work environment and creates the potential for division among the staff, which in turn affects productivity and guest service. Discrimination is not only against Company policy, it is against the law.

Remember, every person has views and opinions that are their own, developed from their own experiences. You do not have to adapt to these points of view or execute an idea that you do not agree with, but you should *listen* to what others have to say. Nobody should ever be made to feel that their ideas or opinions are wrong or “stupid.”

If an employee or co-worker’s performance or behavior needs to be addressed, it should be done privately and in a constructive manner. Constructive criticism criticizes the act and not the person, and is meant to address expectations, rather than tearing down the individual. Remember, what is said “in fun” or to “get the point across,” can be taken by another individual as offensive. Furthermore, do not “talk down” to others. This often has a negative impact on morale. Additionally, do not make jokes or negative remarks that demean others’ abilities, skills, looks, etc. Such behavior is hurtful and counterproductive and undermines the Company’s mission of inclusion. Please report such conduct to management or Human Resources at 1-800-394-3839.

Be mindful of body language and how it may be perceived by others (i.e., rolling your eyes, crossing your arms when speaking to others or throwing your hands up in exasperation). Be conscious of your actions, often we give negative signals without even realizing it.

Last but not least, we encourage everyone to use our Be FAIR principles in all interactions with guests and co-workers – be Friendly, Accommodating, Inclusive and Respectful. If we personally hold ourselves to the highest standards, we can avoid most of the pitfalls associated with the concerns noted in this policy.

If we all commit to the goal of inclusion and tolerance in the workplace, together we can be more productive and continue to be successful.

## **WORKING AT THE COMPANY**

### **IMMIGRATION LAW COMPLIANCE**

The Company is committed to employing only individuals authorized to work in this country. In compliance with various laws, you will be asked to complete certain documents to support such.

If you have questions about immigration laws, you are encouraged to contact the Human Resources Department. You may raise questions or complaints about immigration law compliance without fear of reprisal.

### **EMPLOYMENT CATEGORIES**

Based on the condition of employment, employees fall into the following categories:

- **Full-Time:** Those employees who are designated as such and are expected to regularly work at least 30 hours per week.
- **Part-Time:** Those employees who are designated as such and who are expected to regularly work less than 30 hours per week or on an irregular basis as needed.
- **Seasonal:** Those employees who are hired for a limited time during a specific season, most commonly the summer season which generally does not exceed 3 – 4 months. A seasonal employee may work a full-time or part-time work schedule.

In addition, all employees are classified as one of the following:

- **Exempt:** Those employees whose job duties and compensation meet the requirements to be exempt from the overtime provisions of the federal and any applicable state wage and hour laws. Exempt employees are not eligible for overtime pay. Employees classified as exempt generally receive a salary which is intended to cover all hours worked including any hours worked in excess of 40 in a workweek or overtime as otherwise defined by applicable state law.
- **Non-exempt:** Those employees that receive overtime pay in accordance with our overtime policy and applicable law. Their wages typically are calculated on an hourly basis.

Employees are informed of their initial employment classification and status as exempt or non-exempt upon commencing employment. If an employee changes position during the employee's employment as a result of a promotion, transfer or otherwise, management will inform the employee of any change in the employee's job classification.

### **INTRODUCTORY PERIOD**

Every new employee goes through an initial period of adjustment in order to learn about the Company and about their job. The purpose of the introductory period is to give you an opportunity to demonstrate your ability to achieve a satisfactory level of performance and to determine whether the new position meets your expectations.

The Company uses this period to evaluate your capabilities, work habits, and overall performance.

If you are a new or rehired employee, you will work on an introductory basis for the first 90 calendar days after your date of hire. Employees promoted or transferred within the Company must complete a secondary introductory period of equal length upon each assignment to a new position. Any significant absence automatically extends an introductory period by the length of the absence.

Transferred or promoted employees who are unable to perform satisfactorily in their new jobs may, at the discretion of management, be returned to their original jobs, if a vacancy exists, or may be terminated.

If the Company determines that the designated introductory period is not sufficient to thoroughly evaluate your performance, the introductory period may be extended for a specified time.

Completing the introductory period in no way implies permanent or contractual employment and does not affect the employment at will relationship between employees and the Company.

### **PERFORMANCE EVALUATIONS**

You and your supervisor are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Some locations may do more formal evaluations on an annual basis.

### **CAREER DEVELOPMENT**

The key to success in our Company is our unrelenting commitment to customer satisfaction, which begins with the development of our employees through training and advancement opportunities. We are proud to offer a variety of developmental programs and growth opportunities to assist in the career growth of our valued employees. Programs such as Certified Trainer and Supervisor Growth are available at certain locations.

## **JOB OPPORTUNITIES/RELOCATION**

The Company strives to fill open positions from internal candidates. Employees can access the Company's Career page to search for open positions that match your talents, skills and career goals.

You may have an opportunity to relocate to another restaurant or Company owned business. Any qualified employee with an outstanding performance record is qualified to request a transfer to another restaurant or Company owned business where a position is available. If transferred, you may be required to complete an additional introductory period.

All promotions and transfers are made without regard to status in any group protected by applicable federal, state, or local law. Please realize, however, the Company cannot guarantee promotions or transfers; there will be occasions when the best-qualified candidate comes from outside the Company. Moreover, the Company reserves the right to seek to fill open positions solely from external sources to the maximum extent permitted by applicable law.

## **PERSONNEL FILES & INFORMATION CHANGES**

Personal information such as an employee's address and telephone number is contained in a confidential personnel file maintained for each employee. Employees will be provided with access to and copies of personnel files to the extent required and in accordance with applicable state law. Questions regarding access/copies should be directed to your supervisor or Human Resources.

Employees should keep their personnel file up to date by informing their supervisor or Human Resources of any changes to their personal information. If any of the following changes occur, it is your responsibility to notify your Human Resources Department or supervisor as applicable, or to make the necessary changes through Employee Self Service.

- Name, address, phone number;
- Person to be notified in case of an emergency;
- Number of exemptions (dependents) claimed for tax purposes;
- Beneficiary of life insurance;
- Qualified Family Status Change (i.e., marriage or divorce; death of dependent; and/or birth or adoption of a child) (to the extent it impacts benefits or tax withholdings); and
- Direct deposit enrollment or changes or you lose your pay card.

## **EMPLOYEE REFERENCES**

Disclosure of personnel information to outside sources will be limited. In general, responses to reference requests will be limited to dates of employment and positions held. However, the Company will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and are otherwise legally required. Additionally, with written authorization from the employee, the Company also may provide compensation information in certain instances such as requests related to mortgage applications or apartment rentals.

All requests for employment verification must be directed to the Work Number.

## **LEAVING THE COMPANY**

Resignation is a voluntary act initiated by the employee to terminate employment. Although advance notice is not required, the Company requests at least two weeks' written notice from all employees. You will not be eligible for rehire without providing at least two weeks' notice, unless



otherwise required by applicable law. The Company reserves the right to relieve you of your duties immediately upon receipt of notice, to the maximum extent permitted by applicable law.

All Company property and equipment must be returned, without copying or reproducing, at the time of separation or as otherwise requested by management.

Unused vacation time and other Paid Time Off will not be paid upon termination of employment, unless required by federal or state laws.

Final pay will be paid in accordance with applicable law. All bonuses are paid on a discretionary basis, to the maximum extent permitted by applicable law. A bonus is not earned until received by the employee, unless otherwise required by law. A terminated employee is not entitled to receive an unpaid bonus, unless otherwise required by law.

## **HEALTH, SAFETY AND SECURITY**

### **COMPANY PROPERTY & INSPECTIONS**

The Company reserves the right, at all times, and without prior notice, to inspect and search any and all Company property by any and all lawful means, to the maximum extent permitted by applicable law. Employees may access only files or programs, whether computerized or not, that they have permission to enter. All desks, file cabinets, computer systems, Company issued electronic devices (including, but not limited to, flash drives, laptops, smart phones and tablets), Company vehicles, lockers, garment bags, equipment, and supplies are property of the Company and must be appropriately used and properly maintained. All information stored on computers, Company cell phones, networks, electronic information, flash drives or electronic facsimile is the property of the Company and may be accessed and reviewed by the Company by any and all lawful means at any time with or without notice. The Company also reserves the right to require employees on Company property to agree to the inspection of their person, personal possessions, property, a personal vehicle parked on Company property, and work areas, to the maximum extent permitted by applicable law. This includes packages, handbags, briefcases, and other personal possessions or places of concealment, as well as personal mail sent to the Company or to its clients. Searches of Company facilities and property, including Company property in the possession of the employee, may be conducted at any time and do not have to be based upon reason to believe Company policy is being violated. Employees are expected to cooperate in the conduct of any search or inspection. **Employees should have no expectation of privacy in any personal items brought into the workplace or in any Company work area or property used by the employee, whether or not locked with an employee or Company lock.**

### **DISTRACTED DRIVING**

The Company specifically prohibits employees from engaging in distracted driving, such as reading documents, recording, writing, texting, operating laptop computers, and other similar activities while driving a vehicle for business purposes. These activities must only be performed with the vehicle safely stopped and parked in an appropriate and safe parking area.

The Company will never request or require an employee to use a cell phone when driving. On the contrary, employees are directed to avoid the use of cell phones while driving. If an employee's cell phone use while driving results in an accident, claim, liability, fine or other consequence, the employee will be solely responsible, to the maximum extent permitted by applicable law. The Company requires compliance with all state and local laws. Should you choose to use a hands-free cell phone while driving, you must do so in a safe manner, adhering to the following rules:

- Only engage in cell phone calls when it is clearly safe to do so. If you have any doubt, do not engage in cell phone use.
- Familiarize yourself with the phone and its features before driving.
- Strictly follow all state and local vehicle codes and laws, which you are expected to know in the states in which you drive. Any such state or local law takes precedence over this policy.
- Your first priority while driving must be safety. Your safety and the safety of others takes precedence over any other concerns.
- Never engage in calls during heavy traffic, poor road conditions, inclement weather, while on unfamiliar roads, or when limited lighting conditions exist.
- Always pay attention while driving. If you believe a phone call may distract you at all from your ability to drive safely, immediately terminate the call.
- Dial numbers only while stopped; use speed dial when possible.
- Never reach for a phone that is out of reach while driving.
- Keep all conversations brief.

### **ELECTRONIC MONITORING**

In accordance and to the extent permitted by applicable Federal and State law, the Company may use various monitoring devices at our businesses such as cameras (both inside and outside the property, excluding restrooms) and telephone recording devices which may record conversations or other audio interactions. Such monitoring devices assist us with security and safety as well as for use with training to improve guest service and quality assurance. Telephone recordings may be used for training purposes and your supervisor may review calls with you to help improve guest relations. In addition to the above, occasionally we may videotape and/or photograph our staff members for internal/external promotions and/or request that third parties record interactions with our employees for promotional and/or training purposes, to the extent permitted by applicable law.

Generally, access to recordings is limited to individuals with the need to review such items. However, when recordings are made for external promotional purposes, the Company's Use of Likeness policy will apply.

Employees are strictly prohibited from interfering with the operation of the telephone or video monitoring systems. Any employee found to tamper with the systems or otherwise to have violated this policy will be subject to immediate discipline, up to and including termination.

### **EMPLOYEE ENTRANCE/OFF DUTY ACCESS**

Employees must enter and exit the building only through the designated employee entrances. Employees are not permitted access to back-of-the-house areas of the facility during off-duty hours other than immediately before or after their shifts or during breaks. Family members and friends of employees are not permitted access to back-of-the-house areas of the facility at any time. Employees are subject to disciplinary action if they access a restricted area. When visiting the property as a guest, employees must use designated guest entrances.

Employees may not be in uniform when dining in the restaurant. Employees are not permitted to sit at or order directly from the bar at any time whether in their own place of employment or any other Company owned property. However, employees may sit at a table in the bar area (if applicable), provided they are waited on by a server.

While the Company encourages employees to enjoy themselves when dining or drinking as a guest at our locations, we expect all employees to do so responsibly.

## **EMPLOYEE THEFT**

We expect honesty and integrity from our employees. A breach of these expectations warrants severe punishment, including termination, arrest, prosecution and imprisonment. Theft is a crime and anyone involved will be dealt with as a criminal. There will be no opportunity to make restitution to avoid prosecution. Integrity is rewarding. Theft is unforgivable.

## **LOST AND FOUND**

All items, including money, found by an employee on Company premises (including public areas and hotel rooms) or which are turned in to any employee by another person, must be turned in immediately to a manager or Security as applicable. If an employee is on duty at the time, the employee should immediately contact a manager and/or Security to come to the work location. It is also the employee's responsibility to notify their supervisor immediately of any found item. The manager or Security will hold all found articles, including money, in the appropriate office for varying periods of time.

## **SAFETY RULES**

The Company is committed to providing the highest level of safety and protection for its guests, employees, and the environment. The safety and health of each employee is of primary importance. Safety and health must be part of every operation. To do this, we must constantly be aware of conditions that can produce injuries. Cooperation in detecting hazards and, in turn, controlling them, is a condition of employment. Employees are required to inform their supervisors immediately of any situation beyond their ability or authority to immediately correct themselves. All employees are required to comply with the provisions of this program, and must:

- Abide by applicable health and safety laws.
- Perform tasks in accordance with established policies, procedures, and safe work practices.
- Identify unsafe practices, acts or conditions, and report it to a manager.
- Inspect work area, tools and equipment prior to each use, and inform a manager of any safety concerns.
- Perform job responsibilities in accordance with Company safety training. Attend all safety training sessions and meetings. They are mandatory.
- Report all accidents to a manager as soon as possible.
- All places of employment, passageways, storerooms and service rooms shall be kept clean and orderly and in a sanitary condition.
- Each location should have a First Aid Kit that is stocked, easily accessible, and checked for expiration dates.
- Protect your back. Bend at the knees and hips, not at the back or waist. Wear a back brace or use the Team Lifting approach when lifting any item weighing over 30 pounds.
- Housekeepers should never lift a mattress to change sheets; tuck in the sheets.
- Push a cart or heavy load instead of pulling. A front spotter may be required.
- Avoid exposure to bloodborne pathogens by avoiding blood and bodily fluids unless you are properly trained and equipped to work with potentially infectious materials.
- A 3-foot perimeter must be cleared around all electrical panels at all times.
- Do not use any equipment with a frayed electrical cord.

- Ensure you are aware of the location of all fire extinguishers, and how to operate them.
- Powered Industrial Vehicles can only be driven by employees with a valid operator's certification card.
- If working outside during hot months, follow procedures to prevent heat stress and heat strain.
- Never paint or perform Hot Work duties in an unventilated area.
- Wear Personal Protective Equipment whenever your job duties require additional protection (such as respiratory protection, hearing protection, eye and face protection, head protection, foot protection, and hand protection).
- Do not hold or pass trays over the heads of customers.
- Never expose your skin to dry ice; do not keep dry ice in an enclosed space.
- Know where your SDS binders are located and know specifics about any chemical you are required to use in your job.
- Never chase after a criminal for theft or a walked check.
- Clean up any spills or hazards on the ground immediately. Keep floors as clean and dry as possible.
- Keep stairs, exit routes, and walkways clear of materials and debris at all times.
- Do not block fire exits or corridors.
- Wear non-slip/skid-resistant shoes.
- A spotter must be used any time a ladder is used. Never use furniture, bar tops, tables, or anything other than a ladder in place of a ladder.
- Wear protective gloves when handling a knife or slicer at all times.
- Horseplay or fighting is strictly prohibited.
- Report defective or damaged equipment to a manager immediately.
- Follow all directions and the manufacturer's recommendations for the proper use of tools and equipment.
- Never scoop ice with glasses.
- If you are authorized to drive a motor vehicle for company business, always wear a seat belt and obey traffic laws, signals, signs, and warnings.

Report any concerns about unsafe or hazardous situations in your workplace to your supervisor, general manager, or the Human Resources Department at 1-800-394-3839. Do not delay in reporting any injury or accident and receiving treatment.

## **SECURITY**

Developing an effective security program is vital to building and maintaining a successful business. Each of us has the responsibility to protect ourselves, fellow employees and our customers.

For security reasons, the back door must remain closed and locked at all times. When it is necessary to enter or exit through the back door, the manager on duty must be notified and present. The back door and office door are to remain closed when money is being counted, without exception. Common sense is one of your best allies. Call the local police department if

you see activity that warrants investigation, such as someone acting suspiciously, people or vehicles in the parking lot after closing time or signs of vandalism. Report any security issues or violations to management or call the Human Resources Department immediately.

## **SMOKING**

Smoking, including use of e-cigarettes, vaping devices and similar electronic devices, is prohibited at all times while working unless on a break and only in designated areas. Compliance with this policy is mandatory for all employees and people visiting the Company, with no exceptions. Employees who violate this policy may be subject to disciplinary action. Any disputes involving smoking and any employees with questions should discuss their issues/concerns with their supervisor.

## **SUBSTANCE ABUSE**

The Company is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job poses serious safety and health risks.

To help ensure a safe and healthy work environment, job applicants and employees may be asked to submit to a screening test to determine the use or misuse of drugs (legal or illegal) and/or alcohol, which may include the collection of blood, urine, hair and/or breath samples, and other necessary medical tests to determine the presence or use of drugs, alcohol, or prohibited substances, to the extent permitted and in accordance with applicable law. Refusal to submit to testing may result in disciplinary action.

All employees are **STRICTLY PROHIBITED** from the illegal or unauthorized use, sale, possession, or distribution of narcotics, drugs or controlled substances anywhere on Company premises, while on Company business (whether or not on Company premises), while driving a Company vehicle or driving a personal vehicle for Company business, or while representing the Company. Moreover, employees are prohibited from working under the influence of alcohol or prohibited substances, as defined herein.

Prohibited substances are defined as:

1. Illegal drug means any drug (a) not legally obtainable, or (b) legally obtainable but not legally obtained or used. Therefore, the term includes prescription drugs obtained illegally and prescription drugs not being used for prescribed purposes. It also includes marijuana, cocaine and heroin and derivatives of those drugs, among other illegal drugs.
2. Drug-related paraphernalia.
3. Prescription, non-prescription drugs and substances that when used, create hazardous effects impacting job performance and behavior. These prohibitions include prescribed or over-the-counter drugs not being used as prescribed or intended. Prescription drugs **MUST** be prescribed by a licensed physician for use by the person possessing the drug.

Further, employees shall not possess alcoholic beverages in the workplace or consume alcoholic beverages in association with the workplace or during work time.

Notwithstanding the general prohibitions above, reasonable and responsible consumption of alcohol may be permitted at certain company-sponsored events and functions.

This policy does not apply to prescription or over-the-counter medications taken by employees which: (1) have been lawfully prescribed to, or obtained by, the employee; (2) are being used by the employee in accordance with the prescription's guidelines (if applicable); and (3) before

reporting to work under the influence of such medication, the employee has inquired whether the drug manufacturer or the employee's physician warns against driving, operating machinery or performing other work-related tasks. If such warnings exist, the employee taking the medication must inform their supervisor or Human Resources of such restrictions before reporting to work under the influence of such substances. When informing of such restrictions, the employee should not identify the medication(s) being used or the reason for its use. The Company will evaluate and respond to this information on a case-by-case basis. Responses may include, among other things, temporary job reassignment or modifications, a request for additional medical documentation and consultation, and/or an instruction that the employee not work until the restriction is removed. Any employee reporting to work without first advising the Company about warnings accompanying lawfully prescribed or obtained medications will be subject to disciplinary action up to and including possible termination of employment. An employee's lack of knowledge concerning such warnings will not excuse a violation of this rule where an employee has failed to make the inquiries required by this rule.

While the Company has no intention of intruding into the personal lives of its employees, the Company requires all employees to report to work in a condition to perform their duties at full efficiency. Off-the-job illegal drug use which could adversely affect an employee's job performance or which could jeopardize the safety of others, the public, or Company equipment, may be cause for disciplinary action.

Employees who are arrested for off-the-job drug activity may be considered to be in violation of this policy, to the maximum extent permitted by applicable law. In deciding what action to take, management will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the Company, and other factors relating to the impact and circumstances of the employee's arrest as well as applicable law.

### **Testing**

The Company reserves the right to conduct drug testing of employees conducting business on Company premises, subject to applicable federal and state laws.

For certain positions, a drug screen test may be a prerequisite for employment and may be a part of the employment process, to the maximum extent permitted by applicable law. All employees are subject to random drug screen testing (as allowed by applicable state and local law).

Drug screen testing may be required when workplace factors such as physical appearance, behavior, other job-related circumstances, or reliable information of drug use, alcohol abuse or possession provide a reasonable basis and good faith reason to question whether an employee is in violation of this policy to the maximum extent permitted by applicable law.

### **Disciplinary Action**

Compliance with this policy is a condition of employment. Employees determined to be in violation of the Substance Abuse Policy by an authorized search and/or testing procedure will be subject to disciplinary action, up to and including termination of employment. Refusal to participate or comply with search or testing will result in immediate termination, to the maximum extent permitted by applicable law.

Your support and cooperation with all aspects of this Substance Abuse Policy will assist us in providing employees and customers with a safer and healthier work environment. Direct any questions you may have to the Human Resources Department.

The Company maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist employees recovering from substance and alcohol dependencies, and those who have a medical history that reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation.

## **VIOLENCE IN THE WORKPLACE**

Acts of violence will not be tolerated by anyone in the workplace, including co-workers, vendors, customers, and domestic partners/family members. The Company is committed to taking reasonable steps to protect our employees from violence from all sources.

If you are the recipient of a threat made by an outside party, please follow the steps detailed in this section. It is important for us to be aware of any potential danger at our locations. We want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

Conduct prohibited under this policy includes, but is not limited to, verbal threats, physical intimidation, punching/slapping, shoving, fighting, or wielding a weapon in the workplace. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious, and/or destructive action undertaken for the purpose of domination or intimidation.

Any instance of violence should be reported immediately to the employee's supervisor, any member of the management team, and/or the Human Resources Department. In cases where the threat of serious injury exists, the employee should contact the police department, as well as management.

All complaints will be investigated, and the Company will respond promptly to any incident or suggestion of violence. All employees are expected to comply with this policy and must cooperate in any investigation.

## **WEAPONS**

The possession of licensed firearms is allowed on Company premises pursuant to federal and state law. Unlicensed or unlawful possession or use of firearms or other dangerous weapons on Company premises or while on Company business is prohibited pursuant to federal and state law. Security personnel may not work in an armed capacity unless licensed to do so.

## **ETHICAL EXPECTATIONS**

### **NON-DISCLOSURE**

Employees may learn confidential information, including trade secrets, about the Company. Confidential information are items of information relating to the Company, its services, products, clients/customers, employees, suppliers, vendors, and business partners that are not generally known or available to the general public, but have been developed, compiled or acquired by the Company at its great effort and expense. Confidential information includes, but is not limited to:

- Customer lists
- Customer preferences
- Financial information
- Sensitive personal employee information

- Corporate strategies
- Marketing strategies
- Proprietary production processes
- Research and development strategies
- Recipes

Protecting confidential information and trade secrets is vital to our continued success. Confidential information may not be disclosed or distributed to any individual or entity or used for the benefit of any individual or entity other than the Company, without the prior written consent of the Sr. Vice President of Human Resources. Anyone improperly using or disclosing confidential information is subject to disciplinary action, up to and including termination and legal action, even if the individual does not benefit from the disclosed information.

Employees may be asked to sign an agreement further detailing these and related obligations as a condition of employment.

### **GUEST CONFIDENTIALITY**

Our guests visit us for many reasons – to celebrate a birthday or anniversary, to close an important business deal, or simply because they wish to enjoy our outstanding food and impeccable service. They all expect that we will maintain our discretion and not discuss who they dine with, what they ate, or what was said over dinner. We expect all of our employees not to gossip about any of our guests among themselves, or to outsiders, including but not limited to the press or on social media. Anyone found to have gossiped, disclosed a guest profile or history or contacted the media concerning a guest without Company permission, or to have otherwise disparaged a guest of the Company will be subject to immediate termination.

### **MEDIA AND PRESS RELATIONS**

In order to ensure accuracy, all questions from the media and press, including independent bloggers, seeking comments, information or statement on behalf of the Company must be directed to the COO or to the Vice President of Marketing. No other member of the Company should discuss such matters with the media and press on behalf of the Company. No comments, information or statements should be released to the media and press on behalf of the Company without the specific approval of the COO.

Additionally, if you are contacted by any attorney or representative of a law firm, or any representative of an insurance company seeking your statement or information on behalf of the Company concerning any of our locations, employees should write down the attorney's information and refer all inquiries to their manager, Human Resources Department or Legal Department.

### **CONFLICTS OF INTEREST/RECEIPT OF GIFTS**

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative or friend, in connection with the Company's business dealings with outside firms.

Personal gain refers to kickbacks, bribes, gifts, personal non-related Company work, charitable donations or contributions, or special consideration as a result of any transaction or business dealings involving the Company. Personal gain by any employee is strictly prohibited without the Company's express knowledge and written consent. Furthermore, employees must disclose the



existence of any actual or potential conflict of interest to either the Human Resources Department or the Company's General Counsel so that safeguards can be established to protect all parties.

Employees may not borrow from nor lend money to guests, customers or co-workers.

Employees may not receive personal gain or gifts, allow personal non-related Company work to be performed, or request that charitable contributions or donations be made to a charity from anyone with whom the Company has an existing or prospective business relationship. Gifts or personal gain include, but are not limited to, tickets, dinners, trips, or work done at a residence without written approval from either the Human Resources Department or the General Counsel. A disclosure form must be submitted and approval received prior to an employee's acceptance of any personal gain or gift, request that a charitable donation or contribution be made or that personal non-related Company work be performed. Disclosure forms are available on the Company Intranet.

### **DONATION REQUESTS**

The Company enjoys serving our guests and the communities that surround our business locations. Therefore, we often donate to 501(c)(3) charities that benefit those local communities.

Donations may only be approved and distributed by the corporate office. Under no circumstances may any employee commit to, offer, or handle a donation of any kind.

When a guest inquires about a donation, they must be informed that all requests are handled by the corporate office. Employees should direct guests to Landry's website, which will provide them with all of the necessary information for submitting a donation request.

### **GOVERNMENT RELATIONS**

Employees must adhere to Company policies in all relationships with government employees and must not improperly attempt to influence the actions of any public official. Other than lawful campaign contributions, payment or gifts shall not be made directly or indirectly to any government official or associate. if it is for the purpose of influencing or inducing the recipient to do or omit to do, any act in connection with their official capacity.

#### **Unfair Practices in International Business**

Under the Foreign Corrupt Practices Act (FCPA), employees of the Company or its subsidiaries are prohibited from making certain gifts to foreign officials. "Foreign officials" include not only persons acting in an official capacity on behalf of a foreign government, agency, department or instrumentality, but also representatives of international organizations, foreign political parties and candidates for foreign public office. The gift is "corrupt" under FCPA if it is made for the purpose of:

- Influencing any act or decision of a foreign official in their official capacity;
- Inducing a foreign official to do or omit to do any act in violation of their lawful duty;
- Inducing a foreign official to use their position to affect any decision of the government; or
- Inducing a foreign official to secure any "improper advantage."

A gift is still "corrupt" even when paid through an intermediary. Any employee who has any questions whatsoever as to whether a particular gift or payment may be "corrupt" under the FCPA should contact the Legal Department.

## OUTSIDE EMPLOYMENT AND OTHER EXTERNAL ACTIVITIES

The Company recognizes the right of employees to engage in activities outside of their employment that are of a private nature and unrelated to the Company's business interests. You may hold employment at another company, volunteer, or serve in an advisory capacity for another company as long as you satisfactorily perform your job with the Company and have obtained prior approval, unless otherwise provided by applicable law. Outside employment, including self-employment and other external activities, will be regarded as secondary to your employment with the Company and must not interfere with your ability to work beyond normally scheduled hours and when needed. All employees are judged by the same performance standards and must not participate in activities that hinder or impair the performance of their duties.

In addition, employees are subject to the provisions of the Non-Disclosure policy and must not compromise their responsibilities to the Company under this policy when engaged in outside employment.

**Exempt Employees:** Must obtain prior written approval from either their Regional Manager or the Human Resources Department before performing any work for another organization, to the maximum extent permitted by applicable law. Exempt employees who seek outside employment that utilizes substantially the same expertise as in their position with the Company must have prior written approval from the Human Resources Department, to the maximum extent permitted by applicable law.

**Non-Exempt Employees:** Must speak with their department head and/or general manager and obtain authorization before performing any work for another organization, to the maximum extent permitted by applicable law.

In general, unless otherwise required by applicable law, approval will not be granted when the outside employment or external activities:

- prevent the employee from fully performing work for which the employee is employed with the Company, including overtime assignments;
- involve organizations that are doing or seek to do business with the Company, including actual or potential vendors and suppliers;
- violate provisions of law or Company policies or rules;
- may compromise Company confidential information as defined by applicable policies and/or agreements;
- involves the use of company resources, facilities, property, telephones, equipment, or staff (exempt or non-exempt); or
- involves any other type of actual or perceived conflict of interest.

For purposes of this policy, jury duty, reserve military duty, and charitable work for an IRS approved charity are not considered outside employment.

If the Company determines that your outside activities interfere with your ability to meet Company job requirements or become an actual or perceived conflict of interest, you may be asked to terminate your outside activities if you wish to remain with the Company, to the maximum extent permitted by applicable law.

## PERSONAL RELATIONSHIPS AND ANTI-NEPOTISM

Employees must avoid situations involving actual or potential conflict of interest as it relates to personal and familial relationships in the workplace. Accordingly, unless prior approval was given by the Human Resources Department, employees that share a family, or dating relationship, or

are members of the same household are not permitted to be placed in positions where one is under the direct or indirect supervision of the other, has the potential for creating an adverse impact on work performance, or creates either an actual conflict of interest or the appearance of a conflict of interest. This policy must also be adhered to when assigning, transferring, or promoting an employee. Employees who become or are currently in a family relationship may continue employment as long as it does not involve any of the above. For purposes of this policy, family relationship is defined as; father, mother, son, daughter (or legally adopted son or daughter), spouse, sibling, grandparent, grandchild, cousin, aunt/uncle, niece/nephew, son/daughter-in-law, mother/father-in-law, or an individual who has acquired such a relationship through marriage, e.g. step-child, step-parent, and civil union partner which is legally recognized as an equivalent to a spouse.

Additionally, the Company strongly discourages dating and inappropriate fraternization amongst employees and/or management. If employees begin a dating relationship or become relatives or a member of the same household, you must notify your supervisor of the relationship. This is especially true if such a relationship involves employees that may be reporting to each other directly or indirectly. Similarly, because personal relationships (whether it be a family relationship or dating relationship) with a competitor or supplier may have the potential for a conflict of interest, we ask that you notify your supervisor of any such relationships.

The term “dating” as used in the policy includes, but is not limited to:

- Casual dating;
- Serious dating;
- Cohabitation; and/or
- Any physical/sexual relationship, regardless of whether there is any intent to pursue a long-term relationship; and/or
- Any other conduct or behavior normally associated with romantic or sexual relationships.

The restrictions set forth above apply regardless of the sex/gender, gender identity/expression and/or sexual orientation of the employees involved. The policy applies only to consensual dating, romantic or sexual relationships between employees. Unwanted sexual attention (including physical contact) with the purpose or effect of creating an offensive environment is strictly prohibited and a violation of the Company’s harassment policy.

Where such a relationship exists, the Company reserves the right to make employment decisions as are necessary to ensure that the risks enumerated above will not occur. Such steps include, but are not limited to, transfer of one or both parties to the relationship, termination of one or both parties to the relationship, and/or adjusting lines of reporting or communication.

## **POLYGRAPH TESTING**

The Company reserves the right to conduct polygraph tests on any employee who is reasonably suspected of being involved in workplace theft or embezzlement, subject to applicable federal and state laws.

## **WHISTLEBLOWER**

A whistleblower is a person who reports alleged corporate misconduct. Corporate misconduct includes any activity by a Company employee (from employees that work in a restaurant or hotel such as a server or manager, to employees that work in the Corporate office) that may constitute a violation of state or federal law, fraud, questionable accounting, internal controls or auditing matters, or substantial or specific danger to an employee’s or the public’s health and safety.

This policy is intended to encourage and enable employees and others to raise serious concerns within the Company prior to seeking resolution outside the Company.

Employees can report corporate misconduct either orally or in writing to their immediate supervisor, or if uncomfortable reporting corporate misconduct to their immediate supervisor, to the Vice President of Human Resources or the Company's General Counsel. Any supervisor or manager receiving a report of improper activity should immediately contact the Vice President of Human Resources or the Company's General Counsel. Employees reporting any corporate misconduct are encouraged to provide as much specific information as possible including names, dates, places and events that took place. Reports may also be made to the Company on its toll-free hotline at (866) 306-7002. Employee relations complaints should be made directly to Human Resources by calling 1-800-394-3839 or emailing [eerelations@ldry.com](mailto:eerelations@ldry.com).

You can report your complaint on an anonymous basis either in writing or on our toll-free hotline. Contact information is contained at the front of the Company's Employee Handbook. Employees may report corporate misconduct without fear of reprisal. Any employee who believes that improper retaliation has occurred as a result of their report of misconduct should immediately contact the Sr. Vice President of Human or the Company's General Counsel.

## **GENERAL POLICIES AND PROCEDURES**

### **ARBITRATION AGREEMENT**

As a condition of employment, you may be required to agree to the Company's Agreement to Arbitrate Claims, which applies to certain claims you may have against the Company and includes a class and collective action waiver. The Agreement will be effective with continued employment with the Company. For a copy of the terms and conditions, please visit the Employee Portal at <http://employees.ldry.com>.

### **ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, you are expected to be reliable and punctual in reporting to work. Absenteeism, tardiness and early departures place a burden on your fellow employees and the Company. We expect excellent attendance from all employees. Excessive absenteeism, tardiness and/or early departures may result in disciplinary action, up to and including discharge. We expect each member of our team to avoid these problems whenever possible.

We do recognize, however, that there are times when absences, tardiness and/or early departures cannot be avoided. In such cases, you must notify your supervisor or other management personnel as far in advance as possible, but prior to start of the shift, except in cases of extreme emergency. This will allow time for arrangements to be made for another employee to cover your shift. In some instances, it may be your responsibility to find a co-worker to cover the shift, to the maximum extent permitted by applicable law; you will be notified if this is the case. Employees must contact their supervisor every day that they are absent unless specifically instructed otherwise such as during an approved leave of absence. In case of illness, you may be required to have a doctor's note confirming your illness or stating you are well enough to return to work, to the maximum extent permitted by applicable law.

Two consecutive days of absence without calling in or coming in to work a scheduled shift generally is considered job abandonment, ending the employment relationship.

In evaluating employee attendance and otherwise administering this policy, the Company does not consider absences/tardiness/early departures protected by applicable federal, state, or local law.

### **CASH HANDLING**

Every employee involved in cash handling has been entrusted with an important responsibility. A big part of that responsibility is accounting for the cash being handled. Employees handling cash must always keep cash in a secured location designated for your particular job.

At the end of your shift, the cash must be counted carefully, verified, and deposited with the manager and/or Casino Cage. Check with your manager for the designated area for counting money; never perform this activity in front of the guest.

The Company expects every employee who has been entrusted with handling cash to act responsibly. However, if mistakes are repeated, the employee may be excluded from any cash-handling position and may be subject to disciplinary action. Cash handling mistakes involving gross negligence (such as losing a cash turn-in by leaving it unattended) are unacceptable.

### **CELL PHONES IN THE WORKPLACE**

For safety and security purposes and to avoid disruptions to guest service, the Company may not permit non-exempt employees to carry cell phones on them while working. An exception to this policy is for those individuals who are required to use a cell phone as part of their duties and who have received prior approval from the Company.

Cell phones may only be used during breaks and away from work areas. As a courtesy to guests and other employees, personal phone calls must be made in break areas or outside of the restaurant and outside the view of guests. You may not use guest areas, work areas, hallways, stairwells or restrooms to make personal calls.

Cell phones and smartphones may not be used to record, take photographs, or capture any pictures of customers or confidential information as defined by applicable policies and/or agreements. This includes but is not limited to guests' or employees' personal information, such as phone numbers, guest checks and credit cards.

The company reserves the right to terminate on the first offense anyone proven to be in violation of this policy. In addition, any employee who witnesses a violation of this policy has the responsibility to report the incident to management.

Should you choose to bring your cell phone to work, you will be notified of the appropriate place to store your phone while working.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment.

### **CODE OF CONDUCT**

Every organization needs policies and procedures to function effectively. We expect our employees to follow our Code of Conduct, our most important rules. These rules are designed to protect you and serve as a guide in your relationships with management, co-workers, and guests. They do not cover every possible situation, nor are they intended to inhibit you unnecessarily.

The Code of Conduct is basically common sense. Conduct that is nonproductive, unethical, or illegal is strictly prohibited.

The following are examples of conduct that may result in discipline, including immediate dismissal from the Company and includes spoken, written, and non-verbal gestures:

1. Discourtesy to a guest. This includes the use of vulgarity, failing to give a high degree of service to a guest, soliciting a gratuity from a guest(s), or commenting in any way on the amount of a gratuity.
2. Refusal to be lawfully searched or have packages lawfully inspected by Company management or security.
3. Supplying false or misleading information when applying for employment, or at any time during employment as it relates to the performance of duties or investigations.
4. Altering or falsifying time records, guest checks, credit vouchers, expense reports or other Company documentation.
5. Theft or misappropriation of guest, employee or Company property. At restaurant locations, this includes the addition of tips to guest checks.
6. Failure to immediately notify your supervisor or other appropriate management personnel of theft or misappropriation of Company assets or property by another employee, individual, or business.
7. Possession of dangerous or deadly weapons while on Company premises, unless in compliance with the Weapons policy and unless such prohibition is otherwise restricted by applicable law.
8. Violation of the Solicitation and Distribution policy.
9. Violation of the Substance Abuse policy.
10. Gambling or fighting on Company premises. Coercion, intimidation or threats of any kind against guests, managers, or fellow employees.
11. Abusing, defacing, or destroying Company property or the property of guests or other employees.
12. Loitering or sleeping on the job.
13. Failure to maintain accurate, proper cash banks, excessive or continuous cash shortages or overages, or other irregularities.
14. Violation of the Discrimination, Harassment & Retaliation Prevention policy.
15. Fraudulently collecting unemployment compensation.
16. Violating any federal, state, or local laws or ordinances or encouraging others to violate such laws while on Company premises.
17. Insubordination or refusal to perform a lawful request/directive from a manager.
18. Conduct hazardous to fellow employees or customers.
19. Inappropriate conduct while in uniform, on or off Company premises. This includes, but is not limited to: intoxication, indecent or illegal acts, threatening or violent behavior, fighting, defacing or destroying public or private property.
20. Interfering with work schedules.
21. Dining, smoking, snacking or gum chewing at any time other than during your meal or break periods or in any unauthorized area.
22. Unauthorized use of Company equipment (i.e., telephones) or guest facilities.
23. Unauthorized social contact with guests.
24. Making or publishing false statements that are maliciously disparaging or defamatory concerning any employee, manager, officer, the Company, or any guest. This does not prohibit employees from making truthful statements about the terms or conditions of an employee's employment, or from exercising an employee's rights under the National Labor Relations Act, government whistleblower programs, or whistleblowing statutes or regulations.
25. Excessive absenteeism or tardiness not otherwise protected by applicable law.
26. Failure to observe established fire or safety rules or failure to report in a timely manner any personal injury sustained on the job.

27. Failure to perform job or work assignments satisfactorily, safely, and efficiently.
28. Engaging in horseplay.
29. Leaving your department or work area without your supervisor's permission or being someplace other than your assigned work area.
30. Disclosing confidential Company information as defined by applicable policies and/or agreements or guest matters with unauthorized personnel or discussing in areas where the conversation can be overheard.
31. Failing to park in an assigned area.
32. Selling alcoholic beverages to minors or an obviously intoxicated guest.
33. Violation of the Personal Appearance policy.
34. Use of any cell phone or electronic device to record, take photos, or capture any pictures of customers or confidential information as defined by applicable policies and/or agreements.
35. Engaging in personal work while on the clock.
36. Disseminating guest check or credit card information or participating in the unauthorized use of a guest's credit card.
37. Failure to immediately turn in to management and/or promptly notify your supervisor of any items, including money, found on Company premises.
38. Driving or parking improperly or unsafely on Company premises.
39. Reporting to work without your assigned ID badge or other required identification. Failure to wear your ID badge while on duty, as applicable.
40. Any other violation of Company policy.

These examples are not intended to be all inclusive. Additional policies may be implemented as necessary to ensure orderly and efficient operations.

## **COMMUNICATION & COMPUTER SYSTEMS**

The Company's communication and computer systems are the property of the Company intended for business purposes. This includes the computers, related hardware, software and networks as well as telephone, voice mail, e-mail and Internet systems. Users have no legitimate expectation of privacy in regard to system usage.

Any and all telephone conversations or transmissions, e-mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, fax machine, scanner, copier, etc. may be subject to monitoring at any and all times and by any lawful means. To that end, the Company may access its communication and computer systems and obtain the communications and information within or transmitted through the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Company deems it appropriate to do so. Further, the Company may review Internet usage. The reasons for which the Company may obtain such access include but are not limited to: maintaining the systems; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Company operations continue appropriately during an employee's absence.

The Company may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The Company's policies including, but not limited to, those prohibiting harassment, in their entirety, apply to the use of the Company's communication and computer systems. Additionally, employees may not use the Company's communication and computer systems in violation of any law including, but not limited to, those related to copyrights and software piracy.

All employees, upon request, must inform the Information Security Team of any private access codes or passwords related to use of the Company's communication and computer systems.

The Company's communication and computer systems and employee communications network are some of the most important assets because: (1) they are critical to the accuracy and proper control of financial transactions in the Corporate Office; and (2) they represent a large investment by the Company in software and hardware. Therefore, all employees are responsible for assisting in the care of Company's communication and computer systems and related Company issued electronic devices as defined in the following basic procedures:

- Company personnel must seek diligently to protect all computer hardware and Company issued electronic devices from elements of physical abuse, including exposure to harmful substances (liquids, food, etc.) and all forms of carelessness/misuse.
- All questions/problems concerning the computer hardware, software or network should be communicated by appropriate Company personnel to the Technology Support Center (TSC). TSC support is available seven days per week, 24 hours per day. All calls to third-party service providers (hardware vendors, and/or local service providers) must be arranged by TSC representatives.
- Under no circumstances are Company personnel permitted to arrange third-party services without the direct involvement of the TSC.
- No employee may access, or attempt to obtain access to, another employee's communication or computer systems without appropriate authorization.

## **Information Security**

System security and integrity is of vital importance in safeguarding the Company's information and assets. Therefore, it is incumbent for each employee to observe the basic rules of security:

- Employees should only use computers provided by the Company to conduct business.

### **Recognizing and Reporting Phishing Attempts:**

- Be vigilant about emails from unknown senders, especially those asking for sensitive information or urging immediate action.
- Check email addresses for slight variations that might indicate a phishing attempt.
- Do not click on links or download attachments from suspicious emails.
- Report suspected phishing attempts to the Information Security team immediately.

### **Ransomware Awareness:**

- Be cautious with emails, links, or attachments that could potentially contain ransomware.
- Never download software or media files from untrusted sources.
- Back up important work regularly to company-provided cloud services or drives.
- Immediately report any unusual computer behavior or ransomware alerts to the Information Security team.

### **Safe Internet Practices:**

- Only use company-approved browsers and ensure they are up to date.
- Never visit untrusted websites or click on ads as they could potentially harbor malware.
- Use company-provided VPNs for secure browsing, especially when working remotely.

### **Protecting Data:**

- To prevent a data breach, the following types of information should only be shared if necessary and must be encrypted by a strong password before dissemination: Personally Identifiable Information (Social Security Numbers, medical information, driver's license number, biometric information, vehicle registration numbers, taxpayer information), financial



data (bank account, credit/debit cards), and sensitive Human Resources data (pay rates, disciplinary documentation). Such data should never be copied, forwarded, or otherwise made available to anyone outside of the encryption process.

- Storing work data on physical devices, including but not limited to USB drives, memory cards, or external hard drives, must be pre-approved by the IT Department. Employees must only use such storage devices provided by the Company and should never use or plug in a storage device that is found or has been given as a promotional item, as these devices may contain hidden malware or viruses.
- Employees are prohibited from using personal e-mail accounts to conduct Company business. Employees may not forward Company emails to a personal email address. Employees may not use any third-party email or instant messaging accounts or services (such as Gmail, AOL, Yahoo, etc.) for business purposes or any purpose on the Company's computer systems that are not ordinarily used in the performance of their job duties.
- Work data or information must never be shared over unauthorized email accounts, social media accounts such as Facebook, LinkedIn, Instagram, Snapchat, etc., or through text messages (unless such text message is on a Company approved phone or other device).

#### **Password Security:**

- Employee security passwords are confidential and must never be shared between employees.
- Use strong, unique passwords for different company systems.
- Change passwords regularly and never share them with others.
- Enable two-factor authentication anywhere possible for added security.

#### **Device Security:**

- Absolutely no new software or new version of a currently installed software product is to be installed on any Company computer or Company issued electronic device without the approval and direct involvement of the TSC (unauthorized software includes all games, screen savers, wallpapers, all Internet browsers, cloud-based storage and all other software products/versions that are not specifically approved for installation).
- Absolutely no change to the hardware, wiring/cabling or component configuration is permitted without the approval and direct involvement of the TSC.
- Lost or stolen storage devices must be reported to the IT Department and your Department Manager immediately to help ensure their safe return and/or prevent a potential data breach.
- All Company-issued and approved electronic devices (mobile phones, desktop computers, tablets, etc.) must be secured in a "locked" mode when not in use by the employee to prevent unauthorized access to the Company's information systems and data. For Company-approved mobile phones and tablets, you must set a password or you may use the biometric recognition feature in order to unlock the device.

#### **Stay Informed About Security Updates:**

- Participate in company-offered security training sessions.
- Keep up to date with company communications regarding new security policies or threats.
- Be proactive in asking questions if you are unsure about a security practice or policy.

#### **Reporting Security Incidents:**

- Immediately report suspicious activities or security incidents to the Information Security team.
- Provide detailed information about any security incident you encounter, such as the time it occurred, the nature of the incident, and how you responded.

Violation of this policy may result in disciplinary action, up to and including discharge.

## **CREDIT CARD CHARGES**

There are various costs to the Company when a guest charges their tip on a credit card. One such cost is a credit card processing fee which is assessed against tips and charged to the Company by the credit card companies. The actual “tip” is the cash which results after the credit card processing fee is taken into account. It is Company policy that servers retain all of their tips net of these expenses and any tip sharing described herein. The Company will deduct an amount no greater than the actual processing fee from the tip entry on the credit card charge (**unless otherwise prohibited by applicable law**).

## **DISCIPLINARY ACTION**

The Company reserves the right to counsel, warn, suspend, or discharge an employee to the maximum extent permitted by applicable law. Management will decide whether corrective action, up to and including dismissal, is appropriate. Naturally, an employee’s job performance prior to a violation of work rules will be taken into consideration. However, this policy does not change the employment at will relationship.

If an unpaid suspension is warranted and allowed by applicable law, it will be made in one or more full day increments. Unpaid suspensions can be warranted for infractions of workplace conduct rules, including but not limited to, the following:

- the Discrimination, Harassment and Retaliation Prevention Policy;
- the Violence in the Workplace Policy;
- the Substance Abuse Policy;
- major violations of the Company Code of Conduct; or
- major violations of Safety Policies.

## **HANDBAGS**

To heighten security, non-exempt employees are not allowed to carry purses, satchels, handbags, etc. on Company premises during working hours. If a non-exempt employee carries personal effects on Company premises, the items must be maintained in a clear plastic bag.

The employee will not be required to purchase a particular bag; however, the bag must be transparent. If an employee violates this policy, their belongings will be subject to search and inspection. We reserve the right to conduct searches and inspections of employees, visitors, and other personnel conducting business on the Company premises, subject to applicable federal and state laws. Personal effects, such as baggage, vehicles, lockers, boxes, bags, parcels, food and beverage containers and exterior clothing brought on to the Company premises are subject to search and inspection.

## **PERSONAL APPEARANCE**

In our business, presentation makes the difference. By appearing at your best – well-groomed, well-dressed and friendly, you present the Company at its best. Our personal appearance policy aims to convey the Company’s values through the appearance of our staff and the impression left upon our guests. Therefore, clothing, grooming, personality, and the spirit of our staff are important to us. You should always present yourself as a polished member of our team. The expectation is that your clothing will be clean, neat and without wrinkles. Dress according to the requirements of your position. Those who come to work inappropriately dressed will be sent home and directed to return to work in proper attire. In such cases, employees will not be compensated for the time away from work, unless otherwise required by applicable law. Changing clothes on Company premises is not allowed at most locations. The general manager (executive/senior management or department head) will make the final decision on what is acceptable attire.

**ALL EMPLOYEES:**

- Strong perfume and heavy make-up is not allowed (make-up should be natural).
- Hands and fingernails must be kept clean and trimmed at all times; excessive lengths are not permitted.
- Shoes must be kept clean and polished at all times.
- Nose, lip, eyebrow or tongue rings, or any other body piercing that are visible in any way are not acceptable. Placing a bandage over the pierced area is also unacceptable.
- Hair should be neat and clean.
- Extreme hair colors or hairstyles are not allowed.
- Beards, vandykes, sideburns and goatees are acceptable as long as they are closely groomed and professional in appearance. Sideburns must be above the ear lobe.
- Visible tattoos may be permitted as long as they are not offensive and do not contain profanity, nudity or violent themes. Visible tattoos on the face and neck are not permitted. All visible tattoos are subject to the approval of management.

**RESTAURANT/RETAIL EMPLOYEES:**

- Long hair should be pulled back from the face.
- Only non-slip/skid-resistant shoes are to be worn.
- No high heels or open-toed shoes.
- No excessive jewelry, such as rings, bracelets, necklaces, or earrings.

All employees should refer to your concept/location specific dress/personal appearance policies.

Nothing in this policy or any related guideline is intended to discriminate against an employee's sincerely-held religious beliefs or practices, disability, race or any other basis protected by applicable law. Employees who may need an accommodation based on a sincerely-held religious belief or practice, disability, race or any other basis protected by applicable law can contact their supervisor or Human Resources.

**PERSONAL ELECTRONIC DEVICES/BRING YOUR OWN DEVICE (BYOD)**

This policy, referred to as Bring Your Own Device (BYOD), establishes guidelines for eligible employees' use of personally owned electronic devices to access Company systems, services and data. Regardless of the foregoing, personal devices are not permitted to be used for any personal reasons while working. Failure to follow Company policies and procedures may result in disciplinary action, up to and including termination of employment.

In most cases, the Company does not provide electronic devices, including cellphones and/or tablets. In addition, all expenses associated with a personally owned device, including but not limited to WIFI access, accessories, charging cords, device repair and service overages are the employee's responsibility. Certain qualified employees who are required to stay connected in order to provide support during non-business hours may be eligible for a monthly allowance. Qualified employees will be notified by their supervisor. Employees who do not have written authorization from their supervisor to utilize their personal device to access Company systems are not entitled to reimbursement.

Eligible employees may use the carrier of their choice. The company maintains relationships with AT&T, Verizon, and TMobile, which gives all employees access to discounts on equipment and service. Information on discounts provided by these carriers is located on the Employee Portal.

Employees are never required to download or utilize applications for work purposes on their personal phones. However, should you choose to use an application as a resource, please remember that you can use the WIFI at your work location to access the applications.

#### Employee's Responsibilities:

- Use the device's security features, such as Biometric, PIN, Password/Passphrase and must set the device to automatically lock if idle for 5 minutes.
- Install and configure tracking and/or wiping services, such as Apple's 'Find My iPhone app', Androids 'Where's My Droid' or Windows 'Find My Phone', where the device has this feature.
- Remove all company information from the device and return it to the manufacturers' settings before selling, exchanging or disposing of a device.
- Report to the IT Helpdesk immediately in the event that your device is lost or stolen or its security is compromised, so that the device can be remotely "wiped" of all company data.
- Only connect electronic devices to secure WIFI connections.
- Use of a rooted (Android) or jailbroken (IOS) device to access the company network is not permitted.
- Keep devices up-to-date with manufacturer or network provided patches.
- Employees may not copy, drag, download, send, or otherwise transfer Company synced e-mail (including any attachments), calendar entries, contacts, or Protected Information (defined to include, but not be limited to, any HIPAA protected health information or personal data related to any individuals, employees, family members, or employee's dependent's to personal web-based email account(s), or save or store such data or items on personal mobile devices including on any storage card or other storage application.
- Texting or emailing while driving is strictly prohibited.

No employee communication made using the company's systems is considered private or confidential and employees should have no expectation of privacy with respect to any use of the company's systems. We reserve the right, at any time, for any reason, and without notice to or consent of users, to access all information conveyed or stored anywhere on any of our electronic systems, including telephone calls and electronic mail messages, even if the information has been password protected or encrypted. We may use the information so obtained for any legal purpose including disclosure to third parties, subject only to applicable law, but otherwise in our sole discretion. We may exercise this right in the course of an investigation or as we deem necessary to locate substantive information that is not more readily available by some other less intrusive means. We may disclose the contents of any electronic communication sent to or received by any employee and may use information regarding the number, sender, recipient and address of messages sent over the electronic mail system for any purpose.

### **NON-WORK RELATED REQUESTS**

No employee of the Company is authorized to require or request any subordinate employee to perform any personal, non-work related errands or favors without written approval from the Human Resources Department or the Company's General Counsel. Examples include, but are not limited to, setting up computer systems, setting up a home office filing system, picking up/dropping off children, babysitting, shopping for gifts, picking up/dropping off dry cleaning, washing vehicles, or performing voluntary services for a charitable organization.

Any employee asked to perform such a request should report it to the Human Resources Department. Any employee who believes that the personal, non-work related errands or favors are excessive, or that he/she is being taken advantage of, should report their concerns to the Sr. Vice President of Human Resources.

The foregoing policy shall not apply to a direct administrative assistant or secretary. Notwithstanding same, personal, non-work related errands or favors should be limited, and any administrative assistant or secretary who believes that the personal, non-work related errands or favors are excessive, or that he/she is being taken advantage of, should report such concerns to the Human Resources Department. Our employees are our greatest asset and no employee should use their position with the Company to take advantage of a subordinate employee regarding personal, non-work related matters.

### **PROPERTY REMOVAL**

You are not permitted to remove food or beverage (including open and unopened bottles of liquor as well as liquor received as a gift from a guest), tools and/or equipment on a “loan” basis, or any other property belonging to the Company. Hotel employees must obtain a Package Pass from their Department Head in order to remove any property from the building.

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. You must return all Company property immediately upon request or termination.

### **SOCIAL MEDIA POLICY**

The Company respects the right of any employee to use social media. However, to protect the Company’s interests and ensure employees focus on their job duties, employees must adhere to the following rules. Social media includes all forms of public, web-based communication, including but not limited to, Facebook, X/Twitter, Instagram, Snapchat, LinkedIn, Tumblr, YouTube, Pinterest, Blogs, live feeds or streams, etc.

- For those authorized to use social media as part of their job duties, in order to post on external social media sites for work purposes, or to create a new account for work purposes, you will need prior approval from the Vice President of Marketing and acknowledge receipt of the Company’s Standards for Social Media Representatives.
- Without prior written approval for each instance from the Vice President of Marketing, no employee shall activate live feeds, post videos, use any words, images/photos, logos or other trademarks that would infringe upon the trademark, service mark, copyright or other intellectual property rights of the Company or its business partners. No employee is permitted to respond on the Company’s behalf from an employee’s personal or unaffiliated account without written approval. No one may create an unapproved Company account. If such an account is discovered, all activity must halt and the account must be deleted.
- All rules that apply to employee activities, including the protection of proprietary and confidential information, apply to blogs and online activity.
- Do not post information without first thinking before you post. We encourage employees to remain civil to others and their opinions. You should not post personal information about others unless you have received their permission, including live feeds and streaming videos. You may not publish information that comments on, discusses or speaks poorly of any guest, customer, supplier, sponsors, or otherwise violates the Guest Confidentiality policy (see above). For example, you may not comment on a guest’s conduct at one of our restaurants, including the amount of any tip or gratuity.
- You are personally responsible for the content you publish. Please be mindful that what you publish will be public for a long time and that if the Company receives a complaint from an employee or guest about information you have posted, the Company may need to investigate that complaint to ensure that there has been no violation of the harassment policy or other Company policy. In the event there is such a complaint, you may be expected to cooperate in any investigation of that complaint, including providing access to the posts at issue, to the extent permitted by applicable law.

- If you express either a political opinion or an opinion regarding the Company's actions and also identify yourself as an employee of your location, Landry's, or any of its affiliates, including listing the company you work for in your profile information (or if it can be inferred that you are an employee of the Company), you must specifically state in a prominent location that the views expressed are your personal opinion and not the Company's position. This is necessary to preserve the Company's goodwill in the marketplace.
- Employees may not use the Company's logos or trademarks for commercial purposes or to endorse any product or service.
- Any conduct which is impermissible under the law if expressed in any other form or forum is impermissible if expressed through social media. For example, posted material that is discriminatory, obscene, defamatory, libelous, or threatening is forbidden.
- All other Company policies apply equally to social media. Employees should review this Handbook for further guidance.

In enforcing this policy, the Company reserves the right to monitor social media activities of employees, whether such activities are conducted with Company resources, to the extent permitted by and in accordance with applicable law.

Any violation of this policy may result in disciplinary action, including termination of employment.

The Company prohibits taking negative action against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible violation of this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including employment termination.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nothing in the Media and Press Relations policy prohibits you from exercising your right of free speech and communicating with the public, including the media and social media, about your conditions of employment, such as a labor dispute, wages, hours, or other terms and conditions of employment.

## **SERVICE OF BEVERAGES**

To serve our guests in the best manner possible, the following service procedures have been established: Each time a server or bartender starts a check on a table, the first thing to be ordered is the beverage. If a guest does not order a drink, the "water" key must be utilized in the POS system. All beverages ordered must be rung in before they are delivered to the guest.

The minimum age to consume alcohol in all states is 21. When a guest appears to be under the age of 30, you must ask their age before checking their I.D. – "How old are you?" Once the guest has stated their age, you must verify the age by then checking their I.D. (if the guest states that their age is over 21, the I.D. must be checked). Under no circumstances should you sell alcoholic beverages to a guest who is believed to be less than 30 years of age, without properly checking their I.D.

The responsibility of those who sell alcoholic beverages is to ask for an acceptable form of identification. Acceptable forms of identification include the following:

- Driver's License from any state, ONLY if it bears a PHOTOGRAPH of the person carrying the identification.
- U.S. Active Duty Military Identification Card. These cards are green and will be laminated. (Inactive or dependent cards are NOT ACCEPTABLE!)
- Identification Card from any State Department of Motor Vehicles. (looks like a Driver's License, but is clearly marked "Identification Card.")

- Passport with picture issued from a government institute.

It is important that those who sell alcoholic beverages follow these steps when checking I.D.s. Check to see if the I.D. has been altered or tampered with in any way. Check the birth date and expiration date. Look at both the photo and the person presenting it to make sure it is the same person. Ensure that the person presenting the card matches the description on the I.D. in regards to eyes, height, weight, and approximate age. Always know what year a person would have to be born to be 21 years of age. If you have any doubts that the I.D. is not valid, consult your manager.

## **SOLICITATION AND DISTRIBUTION**

Under no circumstances may an employee disturb the work of others to solicit or distribute literature to other employees during their working time. The distribution of non-Company literature, such as leaflets, letters, written materials or via e-mail by an employee is not permitted during the working time of either the employee doing the distributing or the employee to whom the non-Company literature is being distributed, or at any time in working areas. Employees also are prohibited from engaging in solicitation of and distribution to guests in guest services areas at any time such areas are open to guests. For the purpose of this policy, working time includes the time during which any of the employees involved are actually scheduled to work, but does not include breaks, lunch periods, or other designated relief periods during which an employee is not assigned to or expected to perform job duties. Soliciting and distribution includes, but is not limited to, distributing literature, seeking charitable contributions, obtaining employee support for any particular cause or purpose, or selling merchandise. Employees are to refrain from any electronic solicitation or distribution, either using Company equipment or using personal equipment during working time.

Persons not employed by the Company may not solicit Company employees for any purposes on Company premises. Bulletin boards maintained by the Company are to be used only for posting or distributing material of the following nature:

- Notices containing matters directly concerning Company business;
- Announcements of a business nature which are equally applicable and of interest to employees;
- Notices required by federal, state and local law.

Only management or Human Resources are authorized to post on bulletin boards. All employees are expected to check the bulletin boards periodically for new and/or updated information and to follow the rules set forth in all posted notices. Employees are not to remove material from the bulletin boards.

All Company merchandise must come from authorized vendors through the Purchasing Department. Employees are not to offer to sell or trade personal or unauthorized merchandise to customers or to other employees while on Company property.

## **SWIPE CARDS**

Point of sale system access cards ("swipe cards") are the property of the Company and must be returned upon request or termination of employment. At certain locations, employees will use their assigned swipe card to clock in/out, place orders, declare tips, or ring sales. If issued a swipe card, employees may not use their employee number in order to perform functions in the point of sale system. Employees must have their swipe card in their possession at all times.

Employees shall not loan, share, or transfer their swipe card to any other individual and may not perform system functions using any other individual's swipe card. Employees are responsible for

promptly notifying their General Manager within 24 hours of lost, stolen or misplaced swipe cards. Duplication of any swipe card by an unauthorized vendor or programming of unauthorized magnetic strip cards (such as credit card or driver's license) is strictly prohibited.

Replacement swipe cards will be issued at no charge to the employee.

Employees who arrive at work without their swipe card will not be in compliance with this policy. Violations of this policy will result in disciplinary action, up to and including termination of employment.

## **TIP REPORTING**

### **Notice Pursuant to the Fair Labor Standards Act (Federal Wage and Hour Law):**

Where allowed by law, tips will be treated as satisfying part of the minimum wage obligation for those employees that customarily and regularly receive at least \$30 a month in tips, such as hosts, bussers, food runners, bartenders and servers (tipped employees). The practice of sharing tips ("tip share") among those employees that customarily and regularly receive tips is approved by all of our facilities, **unless otherwise prohibited by applicable state law**. The amount of tip share varies by concept and location. Your management team will advise you of the tip share percentage and process for your location.

All tips received by tipped employees must be retained by the employee, except for the amount shared as part of the tip share program. The tip credit taken by the Company will not be more than the actual amount of tips received by the employee (verified on a weekly basis). In accordance with federal law, the tip credit shall not apply to any employee who has not been informed of these requirements. Taxes and other deductions will be assessed based upon the total income received by each employee (including tips). However, any tips received that are above the tip credit amount are not considered wages but are considered income to the employee.

Tips (cash as well as credit card tips) are always considered taxable earnings. It is very important that tipped employees (direct and indirect) follow proper tip-reporting procedures.

Tip reporting laws require all employees to report all tips received, cash as well as charged tips. This includes servers and non-servers – food servers, cocktail servers, bartenders, maître d's, captains, coatroom attendants, etc. – basically, anyone who receives tips. It also includes indirectly-tipped employees – such as bussers, service bartenders, and host/hostesses, whose tips come from other employees rather than directly from customers.

It is your obligation to report all tips received, cash as well as charged tips. Tips must be reported at the end of every shift you work – you cannot leave work without doing so. It is the employee's responsibility to keep their own accurate records of tips. Indirectly tipped employees' tips are determined based on the tip pool and in most cases will be declared for you at the end of the shift (unless otherwise prohibited by state law).

Failing to report or underreport tips can be considered tax fraud, which is a federal felony. Any employee in violation of this policy is subject to disciplinary action.

## **USE OF LIKENESS**

From time to time, the Company uses photographs for business purposes, such as advertising, publicity, promotional, charitable, and training purposes. The Company retains the right, license and privilege to use and to permit others to use and reproduce an employee's photograph, voice, and likeness (with or without your name attached) for business purposes related to the



advertisement and promotion of the Company in its brochures, training materials, website, social media pages, newsletters, and other media outlets, to the maximum extent permitted by law. It is not the Company's intention to use this information to embarrass or harass an employee in any way or to cause them undue harm.

## **VIDEO RECORDING BY GUESTS**

In today's social media society, you can expect that guests may quickly tweet, post, and upload pictures and videos about their experiences with the Company. In most cases, those online communications will be positive, but there may be times when a guest's dissatisfaction can escalate quickly and go viral. All employees must follow these guidelines when dealing with guest situations.

- Always display a polite and cordial manner during guest interactions and while in guest view.
- Anticipate that a dissatisfied guest, or nearby guests who are witnessing the situation, may be recording your interactions with them.
- While you may politely inform a guest who is recording you that you do not consent to being recorded, it is nearly impossible to control other guests who may be witnessing and recording the situation.
- Under no circumstance may you ever physically hinder individuals from recording you by touching them or their property or by attempting to cover up the recording device.
- A guest who is recording a situation may attempt to goad you into reacting poorly or with frustration for effect – do not allow this.
- Never react to the guest on video other than to politely explain that you understand their concerns and you will be happy to get a manager to assist. Immediately find a manager and then remove yourself from the situation and let the manager handle the matter from that point forward.
- Remember that employees are not permitted to speak on behalf of the Company to the media, and this extends to social media. You must not make any statements representing the Company's position on a guest situation or complaint.

It is commonplace these days to see videos of people trying to catch others at their worst. Under no circumstances should non-exempt employees attempt to handle a situation when a guest is recording you. Be polite and immediately notify a manager. Only managers are authorized to converse with guests who are dissatisfied and/or guests who may be recording the situation.

## **WORK HOURS AND COMPENSATION**

### **WORK SCHEDULES**

Your supervisor will inform you of your work schedule. Staffing needs and operational demands may require adjustments in starting and ending times, as well as variations in the total hours scheduled each day and week. Employees are provided with meal and/or rest periods to the extent required and in accordance with applicable law.

### **TIMEKEEPING**

Non-exempt employees are responsible for maintaining accurate records of your time spent at work. Federal and state laws require the Company to keep records of time worked to ensure you receive the pay and benefits you are owed. "Time worked" is defined as the time required to be at work and/or time actually spent on the job performing assigned duties.

You should record the time you begin and end work, as well as the beginning and ending time of each meal period or break that is at least 20 minutes in length. You should also record the beginning and ending time of any split shift or departure from work for personal reasons. You may not alter, falsify, or tamper with time records or record time on another employee's time record. Working "off the clock" is strictly prohibited. "Off-the-clock" work is time spent by an employee performing work that is not reported to the Company as time worked.

Since employee time records are vital for payroll purposes, employees must inform management if they fail or otherwise forget to record their time in or out before or after any working time. Failure to properly record time may result in discipline, up to and including termination.

## **OVERTIME**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. The opportunity to work overtime is at the discretion of management and is based on departmental needs. Any overtime worked by non-exempt employees must be authorized in advance by management. Any non-exempt employee who works overtime without authorization may be subject to disciplinary action, up to and including termination.

Any non-exempt employee who works overtime is compensated at the rate of one and one-half times (1½) the employee's regular rate for all time worked in excess of forty (40) hours each workweek, unless otherwise required by applicable law. For tipped non-exempt employees, if applicable, the same tip credit is taken for overtime hours as for regular hours. Accordingly, if applicable, tipped employees will be paid one and one-half times (1½) the minimum wage minus the tip credit for all overtime hours. Overtime pay is calculated based on actual hours worked. Paid time off, holidays or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

## **PAYROLL**

The Company's paydays are generally consistent nationwide. However, there are a few regional variations.

All exempt employees are paid semi-monthly, typically on the 7th and 22nd of every month, unless state regulations stipulate otherwise. (Managers in Training are paid on the non-exempt employee schedule as noted below.)

In accordance with the laws of your applicable jurisdiction, restaurant non-exempt employees are paid either weekly on Friday or bi-weekly, typically every other Monday or Wednesday. Paychecks will generally include earnings for all work performed through the Monday one week prior to the payday, unless stipulated otherwise.

Casino non-exempt employees are paid bi-weekly, typically every other Friday or Monday, unless otherwise required by applicable law. Paychecks will generally include earnings for all work performed through the Sunday one week prior to the payday, unless stipulated otherwise.

Any pay date that falls on a weekend or holiday will be paid on the preceding business day. Your manager will inform you of the pay schedule for your location.

We strongly encourage employees to select an electronic pay method (direct deposit and/or pay card). In some jurisdictions, where permitted by applicable law, this may be a mandatory policy

if you wish to work at the location. For those employees who do not elect to be paid via direct deposit and/or pay card or until direct deposit or pay card is active, paychecks are distributed to individual employees.

For convenience, employees can obtain a copy of their pay statements 24/7 online via the ADP website or phone app. Employees can ask their supervisor for more information on accessing the website.

Employee payroll stubs itemize deductions made from gross earnings. The Company is required by law to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions include any court-ordered garnishments. Pay statements also itemize any voluntary deductions such as an employee's portion of health, dental, or life insurance premiums and/or voluntary contributions to a 401(k) or pension plan, to the extent applicable.

Employees who believe there is an error in their pay should bring the matter to the attention of their supervisor or Human Resources immediately, so that the Company can investigate and resolve the matter quickly and amicably.

### **SAFE HARBOR POLICY FOR EXEMPT EMPLOYEES**

Exempt salaried employees receive a salary that is intended to compensate for all hours worked for the Company. This salary is established at the time of hire. While it may be subject to review and modification from time to time, such as during salary review times, the salary is a predetermined amount that is not subject to deductions for variations in the quantity or quality of work.

Under federal and state law, exempt salaried employees' salaries are subject to certain deductions. For example, absent contrary state law requirements, exempt salaried employees' salaries are subject to reduction for the following reasons:

- Full day absences for personal reasons;
- Full day absences for sickness or disability;
- Full day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave absences (either full or partial day absences);
- To offset amounts received as payment for jury and witness fees or military pay; or
- The first or last week of employment in the event of less than a full week worked.

Exempt salaried employees' salaries are also subject to reduction for their portion of health, dental, or life insurance premiums; state, federal, or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any workweek in which exempt salaried employees perform any work, their salary is not subject to reduction for any of the following reasons:

- Partial day absences for personal reasons, sickness, or disability;
- Absence due to the Company's decision to close a facility on a scheduled work day;
- Absences for jury duty, attendance as a witness, or military leave in any week in which any work is performed; or
- Any other deductions prohibited by state or federal law.

However, subject to applicable state and local laws, it is not an improper deduction to reduce exempt salaried employees' accrued vacation, personal, or other forms of paid time off banks for full or partial day absences for personal reasons, sickness, or disability.

Employees who believe they have been subject to an improper deduction should report the matter to Human Resources immediately.

Every report of improper deductions will be fully investigated and employees will be reimbursed for any deduction found to be improper. Additionally, corrective action, up to and including discharge, will be taken, as appropriate, for any employee(s) who violates this policy. In addition, the Company will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the Company's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including discharge.

## **REIMBURSEMENT OF EXPENSES**

The Company reimburses employees for all reasonable and necessary work-related expenses incurred. Eligible expenses must be directly related to the services performed for the Company and incurred primarily for the benefit of the Company. In addition, such expenses must be authorized or required by the employee's supervisor in advance of incurring the expense in order to be eligible for reimbursement. Necessary work-related expenses may include, but are not limited to:

- Use of an employee's personal vehicle for business purposes (excluding regular commute);
- Business travel expenses, such as meals and lodging;
- Tools and equipment required to perform the employee's job; and
- Use of an employee's personal cell phone for business purposes. (Note that unless use is specifically authorized and approved for reimbursement by your Vice President, there is no expectation that employees use their personal electronic device for work purposes. Refer to Personal Electronic Devices Policy in this handbook.)

Employees are never required to download or utilize applications for work purposes on their personal devices. As with all third-party applications, use of the application is completely voluntary. However, should you choose to use this resource, please remember that you can use the WIFI at your work location to access the applications.

Employees who incur work-related expenses are required to submit those expenses for reimbursement as follows:

- Hourly employees must complete an Expense Reimbursement form obtained from their supervisor and submit the completed form with appropriate supporting documentation, such as original itemized receipts, record of mileage, etc. Reimbursements must include details of daily expenses incurred and note the business purpose for each expense.
- Salaried employees utilize IExpense and submit reimbursements electronically through Oracle.
- Expense Reimbursements must be turned in no later than 14 days after the expense is incurred.

Employees are expected to use good judgement when incurring business expenses and will not be reimbursed for luxury travel, upgrades (unless medically necessary and approved in advance), parking tickets or moving violations, items for personal use or convenience, gifts, or other expenses that are deemed questionable or unreasonable. In such situations, the Company will reimburse the employee the reasonable value of eligible expenses.

Employees who believe that the amount they have been reimbursed does not represent a complete reimbursement should immediately contact the Human Resources Department.

## **EMPLOYEE BENEFITS**

### **EMPLOYEE BENEFITS OVERVIEW**

The Company offers an Employee Benefits Program to eligible employees. Benefits eligibility is dependent upon a variety of factors, including employee classification. If you have any questions regarding benefits eligibility, ask your supervisor, or you may contact the Human Resources Department. Eligible employees will receive information regarding available benefits upon hire and at least annually.

The specific provisions of most benefit plans, including eligibility and benefits provisions, are summarized in each plan's summary plan description ("SPD"). SPDs may be revised from time to time. Additionally, the official plan documents are available for review upon request. In the determination of benefits or other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including SPDs.

Further, the Company (including the officers and administrators who are responsible for administering the plans) and/or any designated plan or claims administrator retain full discretionary authority to interpret the terms of the plans as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit eligibility and entitlement.

While the Company intends to maintain these plans, it reserves the absolute right to modify, amend, or terminate these plans, and any benefits thereunder, at any time and for any reason, to the maximum extent permitted by applicable law.

### **COBRA**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Company's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death of an employee, a reduction in an employee's hours, an employee's divorce or legal separation, or a dependent child no longer meeting eligibility requirements.

Under COBRA, you or your beneficiary would pay the full cost of coverage at the Company's group rate, plus an administration fee, subject to state and federal law. You should also receive a written notice explaining your rights and obligations under COBRA.

### **WORKERS' COMPENSATION**

The Company provides a comprehensive workers' compensation insurance program for all employees (except in Texas, where an occupational injury benefit plan is provided in lieu of a workers' compensation program). This benefit is paid for by the Company. Accidental injuries which occur during working hours or conditions caused by work activities are covered under our Workers' Compensation policy. This insurance provides for the payment of medical expenses and weekly compensation payments during the period of an employee's work-related injury or illness.

If you sustain a work-related injury or illness, you must inform your supervisor immediately, no matter how minor the injury may appear. Your supervisor can direct you to a treatment facility or physician. Do not visit a physician without management's approval. Otherwise, the workers' compensation carrier or occupational injury benefit plan may decline payment.

Our primary concern is to ensure your proper treatment and timely return to work. We encourage light duty with physician approval. Light duty will enable you to return to work while still allowing you the necessary time for your full and complete recovery.

If you are ever taken off of work by a physician due to an on the job injury, you are responsible for maintaining regular communication with your supervisor regarding your work status. If you are released to return to work, either under light duty, modified duty, or full duty, it is your responsibility to inform your manager within 24 hours of the release. If you do not inform your manager within 24 hours, you may be subject to termination for job abandonment.

Workers' compensation is solely a monetary benefit and not a leave of absence, unless otherwise provided by applicable law. For information regarding leaves of absence that may be available while receiving these benefits, please refer to the leaves of absence policies and/or contact Human Resources.

### **Workers' Compensation Fraud**

Workers' Compensation Fraud is a felony that can be prosecuted. Any employee who willfully and knowingly engages in an activity intended to defraud the Company's workers' compensation or occupational injury benefit plan may result in prosecution. Furthermore, any employee who receives money for a work-related injury to which the employee is not legally entitled will be required to fully reimburse the Company. If you are aware of such fraud, please let us know immediately on our Whistleblower hotline or contact the Human Resources Department. You may be entitled to a reward for the information.

## **EMPLOYEE DISCOUNT PROGRAM**

The Discount Program is a voluntary program that provides participating employees discounts on dining and retail, as well as discounted rates at our hotels, casinos, and entertainment complexes. For complete details, please refer to the Employee Discount Program policy on the Employee Portal at <https://employees.ldry.com>.

## **PAID TIME OFF**

The company offers various paid time off plans for eligible employees based on the location where you work. Refer to your relevant handbook supplement for more information.

## **LEAVES OF ABSENCE**

### **BEREAVEMENT LEAVE**

In the event of the death of an immediate family member, full-time employees will be allowed a short-term absence without loss of pay of not more than 3 days immediately following the death, unless otherwise require by applicable law. For policy purposes, your spouse, children, stepchildren, parents, grandparents, brothers, sisters, in-laws or any other relation required by applicable law are considered part of the immediate family. Employees must inform their supervisor prior to commencing bereavement leave. In administering this policy, the Company may require verification of death and relation to the deceased, to the extent permitted by applicable law.

Bereavement leave is paid at the employee's base rate of pay at the time of absence for the number of hours the employee otherwise would have worked that day. Bereavement leave is not counted as hours worked for purposes of calculating overtime.

Leave provided pursuant to this policy will run concurrently with any other applicable leave of absence for covered reasons, to the maximum extent permitted by applicable law.

### **JURY DUTY LEAVE**

Employees are encouraged to fulfill their civic responsibilities of jury duty. You must advise your supervisor as soon as possible so that arrangements regarding your work schedule can be made. You are expected to report to work whenever the court schedule permits and to return to work immediately after being released from jury duty, if applicable and such expectation is permitted by applicable law. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty. Employees also must provide verification of service.

Employees will be paid their normal earnings (at the base salary or rate for their primary job, not including overtime or tips) to compensate for scheduled time spent in jury duty, up to a maximum payment of 5 scheduled workdays. Thereafter, individuals are granted time off without pay for any additional time required for such service, unless otherwise required by applicable law. However, exempt employees are paid their full salary for any week in which they perform authorized work for the Company. Any pay provided for time spent on jury duty leave is not counted as hours worked for purposes of calculating overtime. Employees may elect to use any available vacation time/PTO during an otherwise unpaid jury duty leave. The substitution of paid time for unpaid leave time does not extend the length of leave and the paid time will run concurrently with any jury duty leave entitlement.

### **MILITARY LEAVE**

Employees who are called into active military service or who enlist in the uniformed services are eligible to receive a military leave of absence in accordance with applicable federal and state laws. To be eligible for military leave, employees must provide management with advance notice of their service obligations, unless they are prevented from providing such notice due to military necessity or it is otherwise impossible or unreasonable to provide such notice. In such instances, an employee should provide notice as far in advance as is reasonable under the circumstances.

Employees who are required to attend yearly Reserves or National Guard duty can apply for a temporary military leave of absence not to exceed the number of days allowed by law (including travel). Such employees should give management as much advance notice of their need for military leave as possible so that we can maintain proper coverage.

Military leave will be unpaid, unless otherwise required by applicable law. Employees may elect to use any available paid time off during an otherwise unpaid military leave. The substitution of paid time for unpaid leave time does not extend the length of leave and the paid time will run concurrently with any military leave entitlement.

Employees whose absence does not exceed applicable statutory limitations will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws.

### **FAMILY AND MEDICAL LEAVE (FMLA)**

#### **Eligibility Requirements**

Employees are eligible for FMLA if:

- At least 50 or more employees are employed within a 75-mile radius of the employee's work site;

- The employee has been employed for at least one year; and
- The employee has worked at least 1,250 hours within the previous 12 months.\*

*\*Special hours of service requirements apply to airline flight crew employees.*

### **Basic Leave Entitlement**

The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave in a 12-month period to eligible employees for certain family and medical reasons. The 12-month period is determined on a “rolling” 12-month period dating back from the time the employee uses any FMLA leave. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent (but not in-law) who has a serious health condition; and/or
- For the employee’s own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee’s job.

Leave to care for the employee’s child after birth, or placement for adoption or foster care must be taken within 1 year of the child’s birth or placement.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Military Family Leave**

Eligible employees with a spouse, son, daughter, or parent (but not in-law) on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of a contingency operation or Regular Armed Forces for deployment to a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement which permits eligible employees (spouse, son, daughter, parent (but not in-law) or next of kin of a covered service member) to take up to 26 weeks of leave to care for a covered service member with a serious injury or illness during a single 12-month period (one time basis only). A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list for a serious injury or illness. These individuals are referred to in this policy as “current members of the Armed Forces.” Covered servicemembers also includes a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five year period preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as “covered veterans.”



The FMLA definitions of a “serious injury or illness” for current Armed Forces members and covered veterans are distinct from the FMLA definition of “serious health condition” applicable to FMLA leave to care for a covered family member.

### **Job Benefits and Protection**

If applicable, during FMLA leave, the Company must maintain health coverage under any “group health plan” on the same terms as if the employee had continued to work. If paid time off is substituted for unpaid leave, the Company will deduct the employee’s portion of any applicable health plan premium as a regular payroll deduction. If the employee’s leave is unpaid, the employee must make arrangements with Human Resources prior to taking leave to pay their portion of any applicable health insurance premiums each month.

The Company’s obligation to maintain health care coverage ceases if an employee’s premium payment is more than 30 days late. If employees do not return to work at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the Company for the cost of the premiums the Company paid for maintaining coverage during their unpaid FMLA leave. For purposes of this paragraph, an employee will be considered to have returned to work if the employee returns to work for at least 30 calendar days, or the employee retires at the end of the FMLA leave period or within 30 days thereafter.

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee’s leave.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Company’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Substitution of Paid Leave for Unpaid Leave**

Employees must use accrued vacation, PTO and sick time (to the maximum extent permitted by applicable law) while on unpaid FMLA leave, except for leaves related to Worker’s Compensation. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leaves and the paid time will run concurrently with an employee’s FMLA entitlement. Receipt of disability benefits, Workers’ Compensation benefits or other monetary benefits does not extend the maximum amount of leave time to which an employee is eligible under the FMLA.

### **Employee Responsibilities**

Employees must provide 30 days’ advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days’ notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Company’s normal call-in procedures.

Employees must provide sufficient information for the Company to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also

must inform the Company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide medical certification and periodic recertification supporting the need for leave.

Employees on approved leave must contact LOA@ldry.com every 30 days.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for ineligibility.

Covered employers must inform employees if leave is designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for the Company to:

- Interfere with, restrain, or deny the exercise of any right provided under the FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Concerns regarding a possible violation with respect to either of these obligations should be reported to the Human Resources Department.

### **Enforcement**

Employees may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement, which provides greater family or medical leave rights.

## **DISCRETIONARY PERSONAL LEAVE**

The Company recognizes that there may be personal circumstances under which a leave of absence may be necessary or appropriate for an employee who is not eligible for any other leave of absence and/or has exhausted all other leave entitlements including, for example, additional leave for medical reasons, leave in order to attend to personal situations beyond an employee's control (victim of domestic violence, criminal act, natural disasters), or other personal reasons. Accordingly, the Company reserves the right to consider a personal leave of absence on an individual basis.

The request for personal leave must be in writing submitted to your supervisor or to the Human Resources Department at least 30 days before the requested start of the leave, except in cases of emergency. A written explanation of the circumstances concerning the personal leave must accompany your written request along with the anticipated length of time of the proposed leave. Where leave is requested for medical reasons, the Company generally will require submission of medical certifications prior to granting leave and may require additional periodic submission of medical certifications at various times during the leave.

Requests for personal leave are individually considered based on non-discriminatory factors including, but not limited to, staffing requirements and the reasons for the requested leave, as

well as employees' performance and attendance records, and the decision to grant or deny a leave is based on the circumstances of each case.

Normally, personal leaves of absence are granted for a period of up to 30 days. Under unusual circumstances, a personal leave may be extended provided that a written request for an extension to management is made prior to the expiration of leave, and the request is granted. These time limitations do not apply to leaves taken for an employee's own medical reasons.

Available vacation, personal time off and/or sick time (where applicable and allowed by law) must be substituted for all or part of a personal leave. The substitution of paid time for unpaid leave time does not extend the length of leave and the paid time will run concurrently with any personal leave granted. Receipt of disability benefits, Workers' Compensation benefits or other monetary benefits does not extend the length of any personal leave granted.

You will not earn or accrue any additional benefits, seniority or paid time off while on a personal leave of absence. Health insurance coverage will continue during a personal leave for up to 30 days if payment for the employee portion is received. If paid time off is not substituted for unpaid leave, employees must submit their share of premium payments to the Company in a timely manner, to the extent permitted and in accordance with the applicable plans. Other than your rights under COBRA, you may not be eligible for certain benefits if your leave extends beyond 30 days, including but not limited to health insurance coverage, job seniority or tenure for determining paid time off or 401(k) eligibility, unless otherwise required by law.

While on a personal leave, you must contact the Company every 30 days regarding your status and intention to return to work.

Employees on an approved personal leave of absence may not perform work for any other employer during that leave, except when the leave is for military or public service or where such prohibition is restricted by applicable law.

Upon completion of a personal leave of absence, the Company will attempt to return employees to either their original job, or to a similar position, subject to prevailing business considerations. The Company will not however guarantee the same or a comparable job upon your return and placement is dependent upon the availability of job openings; thus, there can be no guarantee of rehire unless required by law.

An employee who fails to report promptly for work at the expiration of the leave of absence, or who applies for unemployment compensation, will be considered to have voluntarily resigned unless otherwise prohibited by applicable law.

## **A FEW CLOSING WORDS**

This Handbook is intended to provide a broad summary of things our employees should know about the Company. The information in this Handbook is general in nature and, should questions arise, employees should consult their supervisor or Human Resources for complete details. While we intend to continue the policies, rules, and benefits described in this Handbook, the Company may always modify the matters set forth in this Handbook in its sole discretion, to the maximum extent permitted by applicable law. Please do not hesitate to speak to your supervisor or Human Resources with any questions about the Company or its personnel policies and practices.