



THE RESORT GUIDE  
..... *an employee handbook* .....



# What's Inside

|                                     |          |                                                     |          |                                                       |           |
|-------------------------------------|----------|-----------------------------------------------------|----------|-------------------------------------------------------|-----------|
| <b>General Information</b>          | <b>5</b> | <b>Employment Procedures and Pay Practices</b>      | <b>7</b> | <b>Employee Benefits and Resort Privileges</b>        | <b>12</b> |
| a. Customer Service                 |          | a. Before Your Job Begins                           |          | a. Skiing and Snowboarding Privileges                 |           |
| b. Exceeding our Guest Expectations |          | b. Verification of Employment                       |          | b. Resort Privileges & Discounts                      |           |
| c. Employee Parking                 |          | c. Employment of Relatives                          |          | c. Health & Welfare, & Retirement Benefits            |           |
| d. Personal Property                |          | d. Employment of Minors                             |          | d. Paid Time Off & Approved Leave Policies & Programs |           |
| e. Media Inquiries & Logos          |          | e. Job Posting                                      |          |                                                       |           |
| f. Lost & Found                     |          | f. Department Transfers                             |          |                                                       |           |
| g. Missing Persons                  |          | g. Performance Reviews                              |          |                                                       |           |
| h. In the Event of an Emergency     |          | h. Personnel Records                                |          |                                                       |           |
|                                     |          | i. Attendance & Punctuality                         |          |                                                       |           |
|                                     |          | j. Appearance                                       |          |                                                       |           |
|                                     |          | k. Employment Categories                            |          |                                                       |           |
|                                     |          | l. Paydays & Paychecks                              |          |                                                       |           |
|                                     |          | m. Hours of Work                                    |          |                                                       |           |
|                                     |          | n. Overtime                                         |          |                                                       |           |
|                                     |          | o. Safe Harbor Policy for Exempt (Salary) Employees |          |                                                       |           |
|                                     |          | p. Lactation Break                                  |          |                                                       |           |
|                                     |          | q. Leaving the Company                              |          |                                                       |           |



---

**Company Policies and Procedures**

---

**19**

- a. Progressive Discipline
- b. Employee Conduct & Work Rules
- c. Sexual & Other Unlawful Harassment
- d. Drug & Alcohol Policy
- e. Weapons & Workplace Violence
- f. Use of Tobacco Products
- g. Prohibited Conduct
- h. Procedures for Reporting a Threat
- i. Employee Security & Search Policy
- j. Business Ethics & Conduct
- k. Conflict of Interest/Related Parties
- l. Cell Phone Usage
- m. Confidentiality Policy & Internet Usage
- n. Computer & Email Usage
- o. Camera Phones/Recording Devices
- p. Personal Web Sites, Blogs & Social Media Sites
- q. Solicitation & Distributions

---

**Safety**

---

**27**

- a. Our Safety Policy
- b. Safe Work Practices
- c. Disciplinary Action For Safety Violations
- d. Use of Facilities, Equipment & Property,  
Including Intellectual Property
- e. Employee Skiing & Snowboarding
- f. Your Responsibility Code
- g. Vehicle Policy
- h. Cellular Phone Usage When Driving
- i. Personal Protective Equipment
- j. Accident Investigations
- k. Worker's Compensation
- l. Our Safety Committee
- m. Department Safety Meetings
- n. Workplace Inspections
- o. Hazardous Materials Communication Plan
- p. Disaster Planning & Emergency  
Procedures Plan



## VISION

We strive for an authentic, community driven Resort that derives its vitality from the on-mountain experience, respect for its history & what has come before it, and its employees whose energy and spirit are its foundation.

## MISSION STATEMENT

Our focus and responsibility is to our guests and to our family of employees. All that we do is centered toward making them comfortable, safe and valued. We do this when we make decisions in alignment with our core values. We take special pride in helping our guests create unique memories by virtue of offering them a wide variety of recreation options, the highest level of authentically-great service, and honestly welcoming them to what we feel is the most special corner of the world.



## CORE VALUES

*Forethought and thorough analysis precede each and every decision we make at the resort. We benchmark decisions and actions in the context of these following six core values.*

### Service

At a fundamental level, we believe that service is more important than snow storms and water parks. It is something that is completely weather proofed and always 100% within our control. It is more than the guest is always right—at our core, we want our guest to leave with a memory that stays with them, somewhere, forever. It means we look for opportunities to do more than the guest is expecting. It means anticipating on behalf of our guest. It means treating a guest in a way that makes them feel comfortable, cared for and valued. We do this by paying attention, by listening and by valuing the connection between their enjoyment and our success.

### The Raised Jay Culture

More than just words on paper, this approach cuts across everything we do here at the Resort and provides us with distinction in how we approach not only our jobs here at the mountain but, in most cases, our lives in general. It means working both hard and smart. It is respecting our colleagues, our guests and the environment we're surrounded by. Raised Jay is evident in the language we use, our willingness to think before we speak, the belief that rest comes after chores, and the limits we're willing to exceed in order to get a job done right. Raised Jay isn't about being born or Raised here—it's about sharing a mindset, across employees and guests, that honors the past at the same time we look forward to the future.

### Teamwork

Our successes will be predicated on how well we work with each other. How intently we're willing to listen. Our willingness to over-communicate, to empathize, lend a hand and to try and lighten someone else's load despite having all we can handle, ourselves, at the moment. We realize that the strength of great teams resides in how far individuals are willing to go in order to create something special. Our team is respectful of our history, both within and outside the community. We understand that our particular chapter is always part of a bigger story here at Jay Peak. We fully embrace the notion that the energy and spirit derived from living and working within our mountain community creates a positive outlook that is easily and frequently noticed by our guests.

### Safety

We live, work and play in an environment that has lots of moving parts, rapidly changing weather, high rates of speed and a constant state of energy. We are careful to both respect the excitement these various parts create and to be conscious of staying safe within these changing environments.

### Environment

The mountains we play on, the air we breathe, the water we fish in, and the entire ecosystem we share space with; it's all our most critical backdrop. We look for opportunities to preserve, protect and enhance—even as we grow. We are open to new ideas on recycling, renewal, and environmental stewardship and make the connection between financial success and our ability to keep our surroundings protected.

### Enduring

We are all responsible for building something bigger than ourselves and for a longer duration than the end of a single day. Our actions reflect this in the pricing we create, the products and programs we add, the people we employ and the paramount importance we place on helping our guests create their own memories. We feel an inherent responsibility toward creating something uniquely wonderful and a pride in being part of that creation. Our ownership group, executive team and entire staff have invested themselves in creating a sustainable culture, supported by a solid business plan, which places the guest alongside us as we move into our shared future.



## PURPOSE OF THE RAISED JAY GUIDEBOOK

This handbook is designed to acquaint you with our Company and to give you a ready reference to answer many of your questions regarding your employment with us. Of course, please remember that the business conditions change, and this Guidebook is only a summary of the employee benefits, personnel policies, and employment rules that are in effect at the time we publish the Guidebook.

**This Guidebook does not create an “employment contract” or other contractual rights. Although the company intends that the benefits, policies and regulations outlined in this Guidebook will generally remain in effect, the Company reserves the right at any time to amend, curtail, or to otherwise revise the benefits, policies or regulations outlined in this Guidebook.**

This Guidebook applies to all employees. If it conflicts with any contract, such as insurance summary plan descriptions, that contract, not the handbook, shall control.

**This Handbook supersedes all prior inconsistent handbooks or policies and may be changed from time-to-time as necessary.**

## EMPLOYMENT-AT-WILL

Jay Peak and Burke Mountain Inc. is an at-will employer and employment is not for any specific period of time. This means that the resort may terminate an employee's employment at any time or for any reason with or without cause. Similarly, an employee may voluntarily leave employment at any time or for any reason. The at-will nature of the employment relationship cannot be changed, waived or modified except in a written agreement, signed by the employee and the President of Jay Peak, Inc. or his/her designee. Any oral or written statements or promises to the contrary made to an employee by any other employee of Jay Peak, Inc. are expressly disavowed by Jay Peak, Inc.

## EQUAL EMPLOYMENT OPPORTUNITY & DIVERSITY

We're committed to getting the best person for the job. The resort is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, national origin, ancestry, gender, pregnancy, childbirth or related medical condition, religions, disability, physical or mental condition, age, marital status, sexual orientation, gender identity, citizenship status, military service obligation, HIV status, place of birth or any other characteristic protected by federal, state or local law. Our management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

The Company will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of our business. If you need to request a reasonable accommodation because of a disability or on-the-job injury, please contact Human Resources. We will discuss the matter with

you, investigate your request, and to the extent possible, attempt to reasonably accommodate you.

The Company will endeavor to accommodate the sincerely held religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the Company's operations. If you wish to request such an accommodation, please speak to your manager.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of their manager and Human Resources. The Company will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. To ensure our workplace is free of artificial barriers, violation of this policy will lead to discipline, up to and including discharge.

## COMMUNICATION

The doors to managers, Human Resources and Senior Management are always open. We welcome your thoughts, suggestions and concerns. We may ask that you participate in an employee climate survey. They provide valuable insight into planning for the future. Bulletin boards, newsletters, and memos are a few of the avenues we use to communicate with our staff. Company information is confidential and we ask that you maintain the confidentiality of resort material.

## BULLETIN BOARDS

Important notices and items of general interest are continually posted on our bulletin boards. Make it a practice to review it frequently. This will assist you in keeping up with what is current at Jay Peak Resort or Burke Mountain. To avoid confusion, please do not post or remove any material from the bulletin board.

## FLEXIBILITY

Whether you work at a year-round resort or a seasonal resort, our business is often subject to outside variables like weather, road conditions and fluctuations in guest and business volume; things that are outside of our control. That's why we look for and hire people who are adaptable and flexible. There may be extra long workdays or very short workdays, depending on demand.

# *General Information*

## **CUSTOMER SERVICE**

Creating memorable customer service for our guests is as simple as going above and beyond the call of duty. Order takers simply fill guests' requests, while great customer service professionals ask if the guest would like another product or service to complement their requests. Here are some ways to provide great customer service to our guests.

- Engage the guest immediately with warmth and enthusiasm (saying good morning, good afternoon & good evening).
- Use the guests' name if you recognize them and personalize their experience.
- Anticipate what the guest will need to have a good day.
- Use the 10-foot rule and make eye contact with our guests.
- Listen empathetically when a guest has a concern.
- Use your knowledge to suggest appropriate products and services.
- Customize your suggestions to the individual guest profile.
- Take initiative to solve a problem for a guest.
- Thank the guest for their valued patronage and suggest a return visit.
- Invite the guest to return and provide assistance with their reservation.
- When giving directions at our resort, don't just point them in a direction – escort them on their way to ensure they find their requested location.
- Smile and provide great guest service from beginning to end.
- Smile and you almost always get one back.

## **EXCEEDING OUR GUEST EXPECTATIONS**

Think about your own experiences. For the price you pay for services, you expect quality, value, service, cleanliness, and timely delivery. If you do not have your expectations met, you most likely will not return and may tell others about your bad experience. If your expectations are exceeded, you most likely will return and will tell others how great it was. The resorts have a reputation for exceeding the expectations of our guests, so it's no wonder a large percentage of our business is from return guests and referrals. Our goal is to set the standard in our industry. We want the resorts to be known for legendary service. That's where you come in. Let's work together to go above and beyond and astonish our guests with impeccable service.

## **EMPLOYEE PARKING**

Jay Peak Resort provides free shuttle transportation to and from work from assigned parking locations. If you drive to work you may be asked to park in alternative sites in order to accommodate guests on weekends and holidays, and other days designated by management. When parking, please take precautions to make your car visible to road maintenance and snow removal personnel and respect parking attendant instructions. Jay Peak Resort encourages you to share your ride to work. It saves on emissions, parking space, traffic and supports our commitment to the environment.

## **PERSONAL PROPERTY**

While it is our intention to hire only honest and trustworthy people, Jay Peak Resort and Burke Mountain cannot assume liability for an employee's personal property while at work. Employees should not leave personal property unattended or on site without realizing their liability. Some examples are personal skis, boots, clothing, computers, cell phones, etc. Lockers may be assigned to some employees for temporary storage of ski equipment and clothing. We can't, however, reimburse employees for loss of property on the premises.

In the event of a theft, report the loss to your supervisor. We will investigate and may notify local law enforcement agencies of the loss.

## **MEDIA INQUIRIES & LOGOS**

All media inquiries must be referred to the Director of Communications or General Manager. Employees should not speak to the media on behalf of the Company. We appreciate your understanding of this policy; it's to protect the best interests of all of us. Jay Peak and Burke Mountain's logos are the property of the companies and cannot be used without written permission. Please contact the Marketing Department for details.

In the event of an emergency or disaster, communication is essential. However, the General Manager will handle all press/media and directives. Employees are not authorized to make any statement to any media or outside representatives about the cause of the disaster, relief efforts, injuries or other information. This is necessary to control accuracy and keep the situation in perspective. If you are contacted by any media representatives, immediately refer them to management.

This is necessary to control accuracy and keep the situation in perspective. If you are contacted by any media representatives, immediately refer them to management.

## LOST & FOUND

Items found left by guests are required to be returned to the manager of the department they were found in, or Customer Services (Guest Services, if found in the Pump House Indoor Water Park). Employees are prohibited from keeping property of guests. Violators of this policy are subject to disciplinary action, up to and including discharge from employment.

## MISSING PERSONS

Anyone reporting a missing person should be directed to that resort's Guest Services Center, Security and/or Ski Patrol with the utmost consideration. This may include a phone call or escorting the guest to where he or she can receive assistance. Lost children may need extra attention and so may their parents. Kindness and compassion should be shown at all times.



## IN THE EVENT OF AN EMERGENCY AT JAY PEAK

1. Remain calm.
2. Notify the resort's SECURITY, DISPATCH or ANY SUPERVISOR. If after hours, and no supervisor is present, CALL 911.
3. Tell dispatch, supervisor or 911:
  - Your name.
  - The department in which the emergency occurred.
  - Your location.
  - Type of emergency.
  - Any injuries.
  - Answer any questions that dispatch may have for you.
  - Let dispatch hang up first to be sure they have no additional questions for you.
4. Until additional help arrives, remain at a safe distance from the scene to aid in crowd control. If you are asked to help further, follow the directions of the person in charge. DO NOT RISK YOUR OWN SAFETY.
5. If evacuation is recommended, follow standard evacuation procedures:
  - Remain calm.
  - Locate safe and accessible exits.
  - Lead guests and employees out of the building or area in an orderly manner.
  - Secure the building or area until it is safe for re-entry.
6. Report to your supervisor so that all employees will be accounted for. Do not leave the area without notifying the supervisor in charge.

# *Employment Procedures and Pay Practices*

## **BEFORE YOUR JOB BEGINS**

Starting a new job is always exciting and on some levels, challenging. There also may be some prerequisites before you can begin work in your position. This may include a background check, specific training, a post-offer physical, or having your equipment inspected and adjusted before it is used while on duty. Some other prerequisites for certain jobs include background or motor vehicle record checks (as required by the Department of Transportation). Human Resources or your supervisor will inform you of your particular post-offer requirements and assist you in completing them.

## **VERIFICATION OF EMPLOYMENT**

Verification of employment and references are handled exclusively by Human Resources. Jay Peak Resort and Burke Mountain will provide general information concerning the employee such as date of hire, date of termination, and positions held. Your written authorization is required to release any information other than your hire and termination dates and the title of the position you held at termination.

## **EMPLOYMENT OF MINORS**

Youth is a wonderful thing, so we gladly employ people under the age of 18 with great attitudes. State and federal laws may restrict the number of hours you can work and the type of job you can hold at Jay Peak Resort and Burke Mountain. Check with the Human Resources Department for details.

## **EMPLOYMENT OF RELATIVES**

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, the resorts may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists.

In other cases such as personal relationships where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment, at the discretion of the Company. Accordingly, all parties to any type of intimate personal relationship must inform management.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. The Company generally will attempt to identify other available positions, but if no alternate position is available, the Company retains the right to decide which employee will remain with the Company.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

## **JOB POSTING**

As an equal opportunity employer, we fill positions with the most qualified candidate for the job. We encourage you to grow with us and we promote employees from within whenever appropriate. Job openings at our resort are posted in the Human Resources Department and on our website, [jaypeakresort.com/jobs](http://jaypeakresort.com/jobs) or [skiburke.com/jobs](http://skiburke.com/jobs). For more information, stop by or call your Human Resources Department.

## **DEPARTMENTAL TRANSFERS**

Want to try something new? Broaden your experience by checking out another department. Departmental transfers are generally based on job performance and need. If you're interested in applying for a different job at either of the resorts, discuss it with your supervisor first, then apply through Human Resources.

## **PERFORMANCE REVIEWS**

We've found that regular job performance reviews give us an opportunity to thank employees for jobs well done and to provide feedback on how to improve job performance. However, please understand that a positive performance evaluation does not guarantee an increase in salary, a promotion, or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

Generally speaking, Group 1 & 2 employees receive a minimum of one performance review a year. All other employees will receive a performance review at the end of each season. If necessary, performance reviews may occur more frequently.

In addition to these formal performance evaluations, the Company encourages you and your Supervisor to discuss your job performance on a frequent and ongoing basis. We strive for positive coaching and gratitude.

## **PERSONNEL RECORDS**

If you change your name, address, phone number, marital status, tax status, or emergency contact, please notify Human Resources. Also, please inform the Human Resources Department of any specialized training or skills you may acquire in the future, as well as any changes to any required visas. Unreported changes of address, marital status, etc. can affect your withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach you in a crisis could cause a severe health or safety risk.

You can review your file by making an appointment during regular business hours. Copies of documents can be provided with the approval of the Human Resources Director. All personnel files are confidential and except to satisfy legal requirements like subpoenas and requests from government agencies, we do not release any information outside the resort without the employee's written approval.

## ATTENDANCE & PUNCTUALITY

Be here when you're scheduled to be and show up on time, alert and ready for action. Both our staff and our guests are counting on you. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on your fellow employees and your supervisors. If you're sick or are going to be late, you must personally notify your supervisor at least one hour before your scheduled start time. Calling into a co-worker or leaving a voicemail is not sufficient or acceptable protocol. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge. Absences of three days due to sickness or injury may require a doctor's notice. We consider absences of three consecutive working days without notification abandonment of employment and voluntary resignation. We work in a geographic area affected by challenging weather (we get a lot of snow), so plan ahead to avoid being late. Guests arrive, snow or shine. You should, too.

## APPEARANCE

### Personal Grooming

When you look good, we look good. You're expected to show up for work clean and well-groomed, with hair and uniform to match. Enough said.

### Uniforms

Uniforms make identifying staff easy for our guests. If you're working, you need to be flying our colors by wearing your uniform. You are responsible for keeping your uniform clean and wrinkle free.

Depending on your position, you may be issued returnable uniform items such as parkas, pullovers, shirts, vests, fleece or pants. Issued uniforms are to be returned at the end of your employment. You're responsible for the cost of any lost items. Be sure to check the number of the items issued to you as you are responsible for returning the same items you checked out. Pants must be consistent in color with uniform guidelines, full length and regular size; no pants fitting too tightly, excessively baggy, too long, low or too short.

All clothing must be in good condition, not badly faded or tattered. Footwear must be safe and appropriate for your job. Shorts may be permitted in some positions. Uniforms are to be worn on duty only. You may be asked to change out of issued jackets or pants before free skiing or riding or participating in other personal activities on or off either of the properties. Uniform jackets and name tags are absolutely not permitted while socializing in bars or while drinking alcohol or using tobacco products. Please don't wear any other company's promotional clothing while you're on the job.

## Name Tags

It is important for our guests to know who you are. Name tags are a great way to identify you as an employee of Jay Peak Resort or Burke Mountain and someone that can help make their experience the best it can be. Be sure to wear your name tag at all times when at work. If you lose your name tag, notify your manager to order a replacement immediately.

## Cleanliness Of Facilities

We expect you to keep our resort neat, clean and professional looking and to take action or inform others if you see an area that needs some attention. Using a clean bathroom or public area is a whole lot nicer than the alternative.



## EMPLOYMENT CATEGORIES

It is the intent of the resorts to clarify the definitions of employment categories so that employees understand their employment status, benefit eligibility and assigned resort privileges. These categories do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the resorts.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by Jay Peak, Inc. or Burke Mountain management after examination of FLSA testing criteria.

In addition to the above categories, each employee will belong to one other employment category:

### GROUP 1

Full Time Year Round Salary (FTYRS) - employees who are not in a temporary or introductory status, who are EXEMPT (paid on a salary basis and who are exempt from overtime and recordkeeping requirements of state and federal law) and who are regularly scheduled to work the resort's full-time schedule without a break in service.

### GROUP 2

Full Time Year Round Hourly (FTYRH) - employees who are not in a temporary or introductory status, who are NON-EXEMPT and who are regularly scheduled to work the resort's full-time schedule of not less than 40 hours per week for an annual total of 2,080 hours.

### GROUP 3

Part Time Year Round (PTYR) - employees who are not in a temporary or introductory status, and who are regularly scheduled to work less than the resort's full-time schedule. Employees in this category would work on a year around basis and on average would have less than 40 hours per week. Annual hours would be less than 2,080 hours

### GROUP 4

Seasonal & On Call (SOC) - employees are those who are in a position of seasonal nature for the summer or winter season. Each seasonal position is less than 6 months in duration. This also includes employees that are not regularly scheduled to work, but are called to work when the need arises.

## PAYDAYS & PAYCHECKS

Paychecks are distributed by your supervisor every other week. The paycheck will reflect wages earned the previous two (2) work weeks from Sundays at 12 a.m. through Saturdays at 11:59 p.m. Payroll advances are not permitted and you can't cash payroll checks at the resort. For your convenience, there are multiple ATM machines at Jay Peak Resort and Burke Mountain.

If you lose your paycheck, you must complete a lost paycheck form to initiate the stop-payment process. This process generally takes 5 to 10 business days. Your payroll stub itemizes deductions made from your gross earnings. By law, the Company is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Your payroll stub will also differentiate between regular pay received and overtime pay received. If you believe there is an error in your pay, bring the matter to the attention of the Human Resources Department or Payroll Administrator immediately. Your paycheck will be given only to you, unless you request that it be mailed, or authorize in writing another person to accept your check for you. Direct deposit is offered to all resort staff with the self-enrollment process. Everyone that chooses to use direct deposit will not be receiving pay stubs due to our company wide green initiative. Pay stubs are accessible through the online portal. Contact Human Resource with any questions.

## HOURS OF WORK

Time is money. The hours you work depend upon your job and the department in which you work. In the recreation industry, we operate seven days a week, including weekends and holidays. Weather and business level fluctuations preclude us from guaranteeing hours. It's your responsibility to check the schedule or ask your supervisors about working hours. All schedule changes must be cleared with your supervisor. It's important that you are at your workstation on time and "clock in" just before the start of your shift and "clock out" immediately after your shift, or when you are no longer on duty. "Clock in and out" refers to punching in or out, or signing in or out, depending on your department's time keeping system.

Time must be recorded as follows:

- Immediately before starting work.
- Immediately after finishing work.
- Immediately before and after any other unpaid time away from work

If you are unable or forget to clock in or out, see your supervisor immediately. Under no circumstances may any employee record another employee's time card or ask another employee to record his or her time card. Recording another employee's time card may result in discipline, up to and including immediate termination.

Your supervisor must approve early departure or overtime for any reason. Please clock in and out for yourself only. You should only punch in at the time clock that is closest to where you report to work. Any falsification of records or failure to comply with taking responsibility for time-keeping may result in disciplinary action, up to and including termination.

## OVERTIME

During busy periods, additional work is required from all of us. Your Supervisor is responsible for monitoring business activity and requesting overtime work if it is necessary. Effort will be made to provide you with adequate advance notice in such situations. Failure to report for scheduled overtime work may result in discipline, up to and including immediate termination.

### Overtime Hours

All hours worked in excess of 40 hours in a workweek are overtime hours. For purposes of calculating overtime hours, only actual hours of work will be counted. Paid time off is not counted as hours worked for purposes of calculating overtime hours.

### Overtime Compensation

Overtime compensation varies depending on the employee's pay plan, job duties, DOT status, and other regulatory factors. Certain employees are exempt from overtime premium pay, so we pay those employees straight-time pay for overtime hours. Our hourly non-exempt employees receive straight-time pay plus half-time pay (the time-and-one-half rate) for overtime hours. In any event, all overtime work performed by such employees will be paid properly.

All employees (other than salaried-exempt employees) must receive approval from their supervisor prior to performing overtime work or they may be subject to disciplinary action up to and including immediate termination.

Weekly overtime will be paid according to state and federal law. Overtime must be approved by your manager prior to working the overtime hours. If you hold two or more positions at the resort, the combined hours are treated as one job for the purpose of overtime.

For purposes of calculating overtime for non-exempt (hourly) employees, the workweek begins on Sunday and ends on Saturday.



## BREAKS AND LUNCH PERIODS

Jay Peak provides its employees with “reasonable opportunity” to eat and use toilet facilities in order to protect the health and hygiene of its employees. Federal law mandates that if an employer provides a lunch period, it is counted as “hours worked” and must be paid UNLESS the lunch period lasts at least thirty minutes and the employee is completely uninterrupted and free from work.

## SAFE HARBOR POLICY FOR EXEMPT (SALARY) EMPLOYEES

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly and that no improper deductions are made, you must review your pay stubs promptly to identify and report all errors.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for the Company. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under federal and state law, your salary is subject to certain deductions. For example, unless state law requires otherwise, your salary can be reduced 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.
- The first or last week of employment in the event you work less than a full week.
- Any full work week in which you do not perform any work.
- Your salary may also be reduced for certain types of deductions such as your 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 work week in which you performed any work, your salary will not be reduced for any of the following reasons:
  - Partial day absences for personal reasons, sickness or disability.
  - Your absence on a day because your employer has decided 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 you have performed any work.
  - Any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to your accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If you believe you have been subject to any improper deductions, you should immediately report the matter to your supervisor. If the supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact the Human Resources Department.

## LACTATION BREAK

The company will provide a reasonable amount of break time to accommodate a female employee’s need to express breast milk for the employee’s infant child.\* The break time should, if possible, be taken concurrently with other break periods already provided. Non-exempt employees should clock out for any time taken that does not run concurrently with normally scheduled rest periods, and such time generally will be unpaid in accordance with state law. The company will also make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee’s work area, for the employee to express milk in private.

Employees should notify their supervisor to request time to express breast milk under this policy. The company reserves the right to deny an employee’s request for a lactation break if the additional break time will seriously disrupt operations.

No provision of this policy applies or is enforced if it conflicts with or is superseded by any requirement or prohibition contained in a federal, state, or local law, or regulation. Anyone with knowledge of such a conflict or potential conflict should contact

NOTE: In Vermont a mother is permitted to express breast milk for her nursing child for up to three years after the child’s birth.

## LEAVING THE COMPANY

If you decide to leave your job with Jay Peak Resort or Burke Mountain, please discuss it with your manager prior to your departure to schedule your final day and checkout. A two-week notice before leaving is always appreciated. When you separate from the resort for any reason, all Company property including, but not limited to, keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc. must be returned at separation. Employees also must return all of the Company’s Confidential Information upon separation. To the extent permitted by law, employees will be required to repay the Company (through payroll deduction, if lawful) for any lost or damaged Company property. Information regarding unemployment benefits is available in Human Resources.

Your performance and attitude determine your eligibility to be rehired the following season or for another open position at the resort. The decision to rehire a former employee is made on an individual, case-by case basis. There must be an opening for which you are qualified and you must complete an employment application.

As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

# *Employee Benefits and Resort Privileges*

Jay Peak Resort and Burke Mountain view their employees as their most valuable assets of the company. The Company strives to provide comprehensive benefits and resort privileges for all employees. All benefits and resort privileges are assigned by the Employee Group Categories. Group health and welfare benefits are offered to employees classified as Group 1 and Group 2. Resort privileges are assigned in three groups; Perk Group 1, Perk Group 2 and Perk Group 3. Your Perk Group level will be listed at the top of your employee I.D. card. The descriptions listed below are only meant as basic summaries of benefits and resort privileges that are offered. Please refer to the attached inserts to the employee handbook for more detailed descriptions of employee health & welfare benefits and resort privileges.

*If you have any questions regarding your benefits or privileges, please contact the Human Resources Department.*

## **EMPLOYEE RESORT IDENTIFICATION & PASS**

Your employee resort I.D. will be issued when you start work. This photo I.D. is your passport to benefits and privileges at the resort. Keep in mind that you must have your employee resort I.D. with you to take advantage of any of the privileges offered to Jay Peak Resort employees. Your dependents may also be eligible for privileges. A dependent is defined as a spouse or a legal dependent under the age of 21. Your resort's Human Resources Department can provide specific information.

## **SKIING, SNOWBOARDING & CROSS-COUNTRY PRIVILEGES**

Your employee resort I.D. allows you to ski, snowboard or cross-country ski free of charge. While enjoying your skiing, snowboarding, cross-country or other privileges, you are expected to represent Jay Peak Resort and Burke Mountain in a positive manner and observe "Your Responsibility Code" as listed in the safety section of this handbook. Letting someone else use your I.D. is considered an abuse of this privilege and may result in disciplinary action including suspension of privileges or termination of employment. We expect you to do the right thing on and off the hill. Employees unable to perform normal work duties due to illness, injury, personal business or other reasons will not be allowed to use skiing, snowboarding, cross-country, or other privileges until they return to work. Employees separated for reasons other than for lack of work must surrender their season pass as well as any dependent passes at that time. Please don't wear your uniform when enjoying our mountain while you're off-duty. Remember that you are always an ambassador of the resort and should always ensure that your use of the mountain does not negatively impact our paying guests' experience.

Employees accrue and are eligible for benefits when active (working regular hours) and not during periods of unpaid leave or after termination. Being designated a particular group status does not imply future or continuous employment.

We are constantly studying and evaluating our benefits programs and policies to better meet your present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs. While the Company intends to maintain these employee benefits and resort privileges, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

Your Resort Employee and dependant Season Passes will also allow you direct to lift access to our sister resort Burke Mountain. All policies and procedures listed above are applicable to skiing and riding at both resorts as well as any additional resort policies and procedures.

Please be aware that at certain times of the season, it may be necessary for management to restrict the use of employee and dependant season passes on the mountain to ensure the guest experience can be of the highest quality.

## **DISCOUNTED LIFT TICKETS AT OTHER SKI RESORTS**

We encourage you to get out there and sample other ski resorts. Bring the ideas from the best ones home to us. In the industry it's known as "benchmarking." And the ideas we get just may help us to become even more attractive to our guests. Some ski resorts will offer a discount to resort employees as long as your resort is currently open for skiing. Present a letter of introduction with your employee resort I.D. at the other resort to receive any discounts offered. Letters of introduction and more details can be obtained at the Human Resources office. Please abide by all resort regulations and guidelines when visiting other resorts. You are an ambassador of the resort when you use this privilege. Have fun.

## PUMP HOUSE INDOOR WATERPARK ADMISSION

Surf's up. Enjoy deep discounted access to one of the greatest indoor water parks in the country for employees and eligible dependants. Due to the overwhelming popularity of the Pump House, discounts to employees and dependants may be suspended during certain times of the year to reserve space for our paying guests. Employees will need to present an active employee I.D. at the Pump House customer service desk to receive discounts and benefits.

## GOLF PRIVILEGES

Jay Peak Resort's golf course has been rated as the #1 golf course in Vermont. It is truly an incredible championship 18-hole course. All full-time employees on staff during the summer season may golf for free after 3pm on a "space available" basis. This means that our paying guest always comes first. Golf privileges are not available on weekends or holidays. Discounts are also offered for use of the resorts outstanding driving range and practice facilities.

## FOOD & BEVERAGE

Come check out what the resort culinary team has to offer. You can receive a discount on food and non-alcoholic beverages at a number of our F&B outlets with a valid employee resort I.D. Discounts may vary by location and by perk group and may not be offered on certain products or in certain outlets. This discount is for your use only (not for friends). This discount may not be available during peak lunch periods and is not valid on alcoholic beverages at any location.



## RETAIL

The retail shops at the resort offer employee discounts on regularly priced merchandise. Discounts are not in addition to sale prices. Just present your employee resort I.D. when you make your purchase. Watch bulletin boards and resort newsletters for details on any additional sale opportunities.

## LODGING

All resort full-time employees are eligible for discounts on lodging at properties managed by the Company on a 'space available' basis during non-holiday and off-peak periods. This offer is extended to both you and your family. You should check with you manager regarding booking discounted reservations. You may be required to show a current employee resort I.D. at the time of reservation or check-in. Restrictions may apply based on occupancy levels.

## TAIGA SPA

Need to unwind and relax a little bit after all of that hard work? Come to the Taiga Spa in Tram Haus Lodge at Jay Peak for a variety of relaxation opportunities. Special pricing on certain services are offered to active employees on a space available basis.



## SKI & SNOWBOARDING LESSONS

Employees and eligible dependants with a valid resort I.D. may join a group lesson for skiing or snowboarding at no cost depending on availability of space in the group lesson.

## SKI & SNOWBOARD RENTALS

Discounted ski and snowboard equipment rentals are available for any employee skiing on his or her personal time. Employees may take advantage of this privilege if equipment is available, non-holiday, non-weekend. Performance or demo equipment may not be available. Unfortunately, a limited supply prohibit us from extending this offer to employee dependents and friends.



## HEALTH INSURANCE

The resort is proud to offer a competitive package of health & welfare benefits to Group 1 and Group 2 employees. Medical insurance is available to qualifying Group 3 employees. We encourage all employees to obtain coverage under some type of medical insurance plan.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for your general information only. The details of those plans are spelled out in the official plan documents, which are available for review from the Human Resources Department. Additionally, the provisions of the plans, including eligibility and benefits provisions, are detailed in the summary plan descriptions ("SPDs") for the plans. Please check with Human Resources for the most current version of these documents. In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, the resort (including the officers and administrators who are responsible for administering the plans) retains 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 terms, eligibility and entitlement.

## PAID TIME-OFF (VACATION & SICK PAY)

The resorts offers a competitive paid time off benefit to Group 1 and Group 2 employees that includes vacation time and sick pay. This benefit is provided to allow you to get some time away to relax, refresh and reconnect with friends and family.

## RETIREMENT - 401(K) PLAN

All employees age 21 or older are eligible to participate in the company's 401(k) plan. Once enrolled, you may choose to invest in a variety of investment options. Complete details of the 401(k) plan, enrollment information and educational materials on your investment options, are available from the Human Resources Department.

## JURY DUTY

All employees will be allowed time off to perform such civic service as required by law. You are expected, however, to provide the Company with proper notice of your request to perform jury duty and with your verification of service. You also are expected to keep management informed of the expected length of your jury duty service and to report to work for the major portion of the day if you are excused by the court. If the required absence presents a serious conflict for management, you may be asked to try to postpone your jury duty. Employees in Group 1 & 2 are granted a maximum of 15 days of paid jury duty leave per year and exempt employees will be paid their full salary for

any week in which they perform any work for the Company. All other employees will be compensated for lost pay in accordance with state law. If you are excused from jury duty early or are not required to be present in court, notify your supervisor and report back to work to fulfill your scheduled shifts.

## VOTING LEAVE

In the event an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take working time to vote. This time should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work.

## CIVIC LEAVE

The company will provide unpaid leave to an employee for the purpose of attending their town's annual meeting. The employee must inform the company of the intent to take leave at least seven days in advance.

If the employees absence would disrupt essential operations of the company, leave may be denied.

## NATIONAL GUARD LEAVE

An employee who serves in the reserve components of the armed forces, of the ready reserve, or an organized unit of the National Guard is permitted up to 15 days of unpaid leave in a calendar year for the purpose of engaging in military drill, training, or other temporary duty under military authority. The employee will provide the company with as much advance notice as possible of the need for leave.

## WITNESS LEAVE

Employees are given the necessary time off without pay to attend or participate in a court proceeding in accordance with state law. We ask that you notify your supervisor of the need to take witness leave as far in advance as is possible.

## VICTIMS OF CRIME LEAVE

The company will grant reasonable and necessary leave from work, without pay, to employees who are victims of a crime to attend or participate in legal proceedings pertaining to the crime. Affected employees must give the company reasonable notice that leave under this policy is required.

## **BEREAVEMENT**

We recognize the importance of attending to family matters when someone in your immediate family passes away. Immediate family includes spouse, son, daughter, sister, brother, mother, father, mother-in-law, father-in-law, grandparents, grandchild or other relative living in your residence. We try to be flexible about the amount of time you take off. Group 1 & Group 2 employees may be compensated for lost pay up to a maximum of three scheduled working days. Time-off forms must be completed by the employee and signed by the manager prior to absences for bereavement and approved by Human Resources.

## **STATE UNEMPLOYMENT BENEFITS**

Due to the seasonal nature of our business, you may be concerned about unemployment benefits. To apply for unemployment, call your state's Employment Department. Employees leaving in good standing may be referred to other seasonal jobs. Employees who lose their jobs because of business conditions including end of season termination may be eligible to collect unemployment insurance until they find other employment. Employees who quit without good cause or are discharged for misconduct or refusing an offer of suitable work are not eligible to collect unemployment insurance.

## **EMPLOYEE ASSISTANCE PROGRAM (E.A.P.)**

The resorts believes that it is important to provide our employees with resources to assist them with challenging life matters. The resorts provide an E.A.P program that is available to all employees of the resort. This completely confidential service helps you address problems that interfere with a healthy, happy lifestyle, i.e., alcohol and drug abuse, marital and family issues, financial difficulties and emotional concerns. Please request the most current 24-hour toll-free hotline information from you supervisor or the Human Resources Department.

## **PERSONAL LEAVE OF ABSENCE**

If you are ineligible for any other Company leave of absence, the resort, under certain circumstances, may grant you a personal leave of absence without pay. A written request for a personal leave should be presented to management at least two (2) weeks before the anticipated start of the leave. If the leave is requested for medical reasons and you are not eligible for FMLA, medical certification also must be submitted. Your request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as your performance and attendance records. Normally, a leave of absence will be granted for a period of up to thirty (30) days. Under unusual

circumstances a personal leave may be extended if, prior to the end of your leave, you submit a written request for an extension to management and the request is granted. During your leave, you will not earn vacation, personal days or sick days. If you are eligible for and participating in the employee benefit plan, we will continue your health insurance coverage during your leave if you submit your share of the monthly premium payments to the Company in a timely manner, subject to the terms of the plan documents.

When you anticipate your return to work, please notify management of your expected return date. This notification should be made at least one week before the end of your leave.

Upon completion of your personal leave of absence, the Company will attempt to return you to your original job, or to a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed.

Failure to advise management of your availability to return to work, failure to return to work when notified, providing false or misleading information or omitting certain information in connection with a leave, or your continued absence from work beyond the time approved by the Company, will be considered a voluntary resignation of your employment.

## **MILITARY LEAVE**

If you are called into active military service or you enlist in the uniformed services, you will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, you must provide management with advance notice of your service obligations unless you are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable for you to provide such notice. Provided your absence does not exceed applicable statutory limitations, you will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Please ask management for further information about your eligibility for Military Leave.

If you are required to attend yearly Reserves or National Guard duty, you can apply for an unpaid temporary military leave of absence not to exceed the number of days allowed by law (including travel). You should give management as much advance notice of your need for military leave as possible so that we can maintain proper coverage while you are away.

## **FAMILY AND MEDICAL LEAVE**

### **The Leave Policy**

Under the federal Family Medical Leave Act, you are eligible to take up to twelve (12) weeks of unpaid family/medical leave within any 12-month period and be restored to the same or an equivalent position upon your return from leave (subject to the terms of the Family and Medical Leave Act (FMLA) provided you: (1) have worked for the Company for at least twelve (12) months and a total of at least one thousand, two hundred and fifty (1,250) hours in the last twelve (12) months; and (2) are employed at a worksite that has fifty (50) or more employees within seventy-five (75) miles. The 12-month period is a rolling 12 months and will be measured backward from the date an employee uses any FMLA leave.

### **Reasons for Leave**

You may take family/medical leave for any of the following reasons: (1) the birth of a son or daughter and in order to care for such son or daughter; (2) the placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter; (3) to care for a spouse, domestic partner, son, daughter, or parent ("covered relation") with a serious health condition; or (4) because of your own serious health condition which renders you unable to perform any of the essential functions of your position. Leave because of reasons (1) or (2) must be completed within the 12-month period beginning on the date of birth or placement. In addition, spouses or domestic partners employed by the Company who request leave because of reasons (1) or (2) or to care for an employee's parent with a serious health condition may only take a combined total of twelve (12) weeks leave during any 12-month period.

### **Notice of Leave**

If your need for family/medical leave is foreseeable, you must give the Company at least thirty (30) days' prior written notice. If this is not possible, you must at least give notice as soon as practicable. Failure to provide such notice may be grounds for delay of leave. Additionally, if you are planning a medical treatment you must consult with the Company first regarding the dates of such treatment. The Company has Request for Family/Medical Leave forms available from the Human Resources Department.

### **Medical Certification**

If you are requesting leave because of your own or a covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification Forms from the Human Resources Department. When you request leave, the Company will notify you of the requirement for medical certification and when it is due (at least fifteen (15) days after you request leave). If you provide at least thirty (30) days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

The resort, at its expense, may require an examination by a second health care provider designated by the Company, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the

original medical certification, the Company, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The Company may require subsequent medical recertification. Failure to provide requested certification within fifteen (15) days, if such is practicable, may result in delay of further leave until it is provided.

### **Reporting While on Leave**

If you take leave because of your own serious health condition or to care for a covered relation, you must contact the Company on the first and third Tuesday of each month regarding the status of the condition and your intention to return to work. In addition, you must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

### **Leave Is Unpaid**

Family/medical leave is unpaid leave, although you may be eligible for short- or long-term disability payments, and/or workers' compensation benefits under those insurance plans or policies. If you are entitled to receive money from these sources, your leave will be considered "paid leave" for the period during which you receive that money. If your leave is "unpaid" leave you will be required to substitute paid time off (vacation, sick days, personal days) for "unpaid" FMLA leave. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100% of your salary. Your family/medical leave runs concurrently with other types of leave (i.e., paid vacation, state family leave laws, etc.).

### **Medical and Other Benefits**

During an approved family/medical leave, the resort will maintain your health benefits as if you continued to be actively employed. If paid leave is substituted for unpaid family/medical leave, the Company will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium. Your health care coverage will cease if your premium payment is more than thirty (30) days late. If your payment is more than fifteen (15) days late, we will send you a letter to this effect. If we do not receive your payment within fifteen (15) days after the date of this letter, your coverage may cease. If you elect not to return to work for at least thirty (30) calendar days at the end of the leave period, you will be required to reimburse the Company for the cost of the health benefit premiums paid by the Company for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

### **Intermittent and Reduced Schedule Leave**

Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. If leave is unpaid, the Company will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the Company may temporarily transfer you to an available alternative position which better accommodates your recurring leave and has equivalent pay and benefits.



## **Returning From Leave**

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required to provide medical certification that you are fit to resume work. You may obtain Return to Work Medical Certification Forms from the Human Resources or Risk Management Department. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

## **No Work While on Leave**

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by law.

## **Exemption for Highly Compensated Employees**

The Company may choose not to return highly compensated employees (highest paid 10% of employees at a worksite or within 75 miles of that worksite) to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the Company. (This fact-specific determination will be made by the Company on a case-by-case basis). The Company will notify you if you qualify as a “highly compensated” employee, if the Company intends to deny reinstatement, and of your rights in such instances.

## **Military Caregiver Leave**

Unpaid Military Caregiver Leave allows eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. The family member must be a “covered service member,” which means: 1) a current member of the Armed Forces, National Guard or Reserves, 2) who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, 3) for a serious injury or illness that may render him or her medically unfit to perform the duties of the member’s office, grade, rank, or rating. Military Caregiver Leave is not available to care for former members of the Armed Forces or the National Guard or Reserves, or for servicemembers on the permanent disability retired list.

To be “eligible” for Military Caregiver Leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered servicemember and also meet all other eligibility standards as set forth within the FMLA Leave policy.

An eligible employee may take up to 26 workweeks of Military Caregiver Leave to care for a covered servicemember in a “single 12-month period.” Within the “single 12-month period”, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency).

## **Qualifying Exigency Leave**

Eligible employees may take unpaid “Qualifying Exigency Leave” to tend to certain “exigencies” arising out of the duty under a call or order to active duty of a “covered military member” (i.e. the employee’s spouse, son, daughter, or parent).

Persons who can be ordered to active duty include retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

Although Qualifying Exigency Leave is available to an eligible employee whose close family member is called up from status as a retired member of the Regular Armed Forces, it is not available for a close family member on active duty or on call to active duty as a member of the Regular Armed Forces. Also, a call to active duty refers to a federal call to active duty, and state calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws.

Qualifying Exigency Leave is available under the following circumstances: short-notice deployment, military events and related activities, childcare and Company activities, financial and legal arrangements, counseling, temporary rest and recuperation, post-deployment activities, mutually agreed leave.

## PARENTAL AND FAMILY LEAVE

Employees who have been employed with the company for at least 12 months and have worked an average of at least 30 hours per week are eligible for up to 12 weeks of unpaid parental leave during any 12-month period following the birth of their child or within a year following the initial placement of a child 16 years of age or younger with the employee for adoption. Employees are also eligible for unpaid family leave for their own serious health condition or for the serious illness of the employee's child, stepchild or ward of the employee who lives with the employee, foster child, parent, spouse (including a party to a civil union), or parent of the employee's spouse.\*\*

You must provide your supervisor with reasonable written notice of any intent to take leave. Written notice must include the expected starting date of the leave and its estimated duration.

During such leave, employees may use up to six weeks of accrued paid leave; however receipt of accrued paid leave does not extend the duration of the leave.

Taking leave pursuant to this policy does not affect your right to receive vacation time, sick leave, bonuses, advancement, seniority, benefits, or other advantages incident to your employment that existed on the day leave began.

Provide your supervisor with reasonable advance notice of your expected departure date and the estimated duration of the leave, except in the event of a medical emergency.

An employee is entitled to return to his/her previous or equivalent position in terms of pay, seniority, and benefits.

This leave may run concurrently with the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

In addition to the above, an employee may take unpaid leave not to exceed four hours in any 30-day period and not to exceed 24 hours in any 12-month period for any of the following purposes:

1. To participate in pre-school or school activities directly related to academic educational advancement of the employee's child, stepchild, foster child or ward who lives with the employee; or
2. To attend or accompany the employee's child, stepchild, foster child or ward who lives with the employee, or the employee's parent, spouse, or parent-in-law to routine medical or dental appointments; or
3. To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being; or
4. To respond to a medical emergency involving the employee's child, stepchild, foster child or ward who lives with the employee, or the employee's parent, spouse, or parent-in-law.

The employer may require that the leave be taken in a minimum of two-hour increments for the reasons one through four listed above. The employee must make a reasonable attempt to schedule such appointments outside of regular working hours. If that is not possible, the employee must provide the employer with at least seven days' advance notice, except in the case of an emergency.

**\*\*NOTE:** Employers must treat parties to a Civil Union as spouses with respect to all state mandated employment privileges and benefits, including VT's family leave statute.



# *Company Policies & Procedures*

## **PROGRESSIVE DISCIPLINE**

The purpose of this policy is to state Jay Peak, Inc.'s and Bruke Mountain's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The resort's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with the resort is based on mutual consent and both the employee and company have the right to terminate employment at will, with or without cause or advance notice, the company may use progressive discipline at its discretion.

Any instance of non-compliance will result in corrective disciplinary measures to ensure future misconduct does not occur. Specifically, the following policies apply to violations of company policies, procedures or directives from executive or supervisory personnel.

A) The first incident will result in a written warning to the employee (and placed in their personnel file) and a counseling session will take place with the appropriate supervisor or Human Resources personnel to discuss the incident and to take action to ensure it does not occur in the future.

B) A second incident will result in a counseling session with the employee and their direct supervisor or senior executive personnel to discuss the incident and may result in the suspension of an employee.

C) A third incident will result in a counseling session with the employee and their direct supervisor, Human Resources, or other Senior executives. At the company's discretion, specific corrective instructions may be given or the employee will be terminated and removed from active employment at the resort. Furthermore, if direct family, (spouse, children, etc.) are also employed at the resort the company at its own discretion will determine if termination of the family member is also required.

The resort recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct and Work Rules policy includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the resort.

## **EMPLOYEE CONDUCT AND WORK RULES**

To ensure orderly operations and provide the best possible work environment, the resort expects employees to follow rules of conduct that will protect the interests and safety of all employees and the resort.

Our most important rule is to use "good sense" at all times. We also have established some other basic work rules that should not be violated. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the Company's sole discretion.

- Violation of the drug and alcohol policy
- Boisterous or disruptive activity in the workplace
- Violation of safety or health rules
- Smoking in prohibited areas
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Violation of the no harassment or any other personnel policies
- Breach of Confidence or Security: Because of the nature of our work, we cannot tolerate any breaches of our security measures or of our confidential business relationships.
- Damage to Property: We have made a tremendous investment in our facilities and equipment to better serve our guests and to make your job easier. Deliberate, reckless, or careless damage to the Company's property or our guest property will not be tolerated. If appropriate, damage to property will be reported to law enforcement agencies.
- Discourtesy or Disrespect: Courtesy is the responsibility of every employee. We expect all employees to be courteous, polite, and friendly to our guests, vendors, and to their fellow employees. No one should use profanity or show disrespect to a guest or co-worker, or engage in any activity which could harm our Company's reputation. Guest satisfaction is tied directly to contact with our employees. Remember that "I don't know" is never a suitable way to answer a guest. In the event you cannot answer a question or provide the service a guest requests, escort the guest to your supervisor or someone else knowledgeable in your area.
- Fighting, Threats, or Weapons: We do not allow fighting, threatening words or conduct, loud or abusive language, or any other actions that could injure a guest, fellow employee, or member of the public, regardless of where such words or actions occur. We also do not allow the possession of weapons, explosives or unauthorized materials of any kind on Company premises.

- **Fraud, Dishonesty or False Statements:** No employee or applicant may falsify or make any misrepresentations on or about any guest documents, employment applications, resume, document establishing identity or work status, medical record, insurance form, invoice, paperwork, time sheet, time card, or any other document. If you observe or are aware of such a violation, please report it to your supervisor or Human Resources immediately.
- **Injuries and Accidents:** Every injury, no matter how slight, must be immediately reported to your supervisor for first aid treatment or medical care. If you have a job-related injury/accident, you must see a Company-designated doctor. We may require that you present a doctor's release before returning to work.
- **Insubordination or Disrespectful Conduct:** We all have duties to perform and everyone, including your supervisor, must follow directions from someone. Employees must not refuse to follow the directions of a supervisor or member of management.
- **Lost and Found:** Any item such as a purse, wallet, camera, jewelry, etc. should be turned in to the security department. Any other guest item that is left in a vacant room or found on property must be turned in to the housekeeping department's lost and found. All items must be turned in immediately.
- **Misuse of Property:** Employees may not misuse or use without authorization any equipment, vehicle, or other property of guests, vendors, other employees, or the Company.
- **Parking:** So that most convenient parking spaces can be made available to our guests, employees are required to park in defined and designated areas. Before you begin work, your supervisor will show you the designated parking area. Drop off and pick up of employees by other persons must occur at designated employee parking areas.
- **Poor Performance:** We expect all employees to make every effort to learn their job and to perform at a satisfactory level. Employees who fail to maintain a satisfactory level of performance are subject to discipline, up to and including immediate termination.
- **Responsible Beverage Service:** The Company supports and demonstrates appropriate responsibility in the service of beverages containing alcohol. Those employees who will be involved directly or indirectly with alcoholic beverage service are required to participate in a training session designed to address this area of responsibility.
- **Shortages or Mishandling of Cash, Credit or Other Sales Transactions:** Employees who handle cash as a part of their job duties will be held accountable and may be required to pay for all shortages. Employees who handle cash as a part of their job duties also may be disciplined for such shortages, up to and including immediate termination. Please see Cash Handling for additional requirement.
- **Sleeping or Inattention:** To protect the safety of all employees and to properly serve our guests, everyone needs to be fully alert while on the job. We cannot tolerate sleeping or inattention on the job.
- **Solicitation or Distribution:** In the interest of maintaining productivity and a proper business environment, employees may not distribute literature or other materials of any kind or solicit for any cause during the working time of any employee involved.
- **Theft:** Our society has laws against theft and so do we. Stealing or attempting to steal Company property or property belonging to others is strictly prohibited. To protect you, your co-workers, our guests and the Company, we reserve the right to inspect all purses, briefcases, packages, lockers, tool boxes, desks, cabinets, vehicles, and any other containers or items on Company property. If you wish to remove any Company property from the premises for personal use, you must obtain a package pass in advance from your supervisor.
- **Unlawful Activity:** Employees should not engage in any unlawful or unethical activity, including, but not limited to activity either on Company property, a job site, or off the job, since such activity can adversely affect the Company's reputation.
- **Unsafe Work Practices:** We are committed to providing a safe place for you to work, and we have established a safety program to ensure that everyone understands the importance of safety. This program requires all of us to exercise good judgment and common sense in our day-to-day work. Horseplay and practical jokes can cause accidents and injuries and, therefore, are prohibited.
- **Character Assassination:** this occurs when an employee berates, diminishes, or impunes the professional or personal reputation of any resort employee. This scenario creates a great deal of personal anxiety and pain, and will not be tolerated in any form at the resort.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and the resort reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The Company will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, the resort will endeavor to utilize progressive discipline and corrective counseling but reserves the right in its sole discretion to terminate an employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

We ask that you use your good judgment and treat others as you would like to be treated.

## SEXUAL AND OTHER UNLAWFUL HARASSMENT

It is Jay Peak Resort and Burke Mountain's policies to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, national origin, ancestry, gender, pregnancy, childbirth or related medical condition, religion, disability, physical or mental condition, age, marital status, citizenship status, military service obligation, sexual orientation, gender identity, HIV status, place of birth or any other characteristic protected by federal, state or local law. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that in the workplace, no employee is subject to harassment. We want to ensure that you have a positive and comfortable work environment.

If you have any questions about what constitutes harassing behavior or what conduct is prohibited by this policy, please discuss the questions with your immediate supervisor or one of the contacts listed in this policy. At a minimum, the term "harassment" as used in this policy includes:

- Unwelcome sexual advances.
- Requests for sexual favors.
- Verbal or physical conduct of a sexual nature when submission to that conduct is made a condition of employment.
- Verbal or physical conduct of a sexual nature when submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual.
- Verbal or physical conduct of a sexual nature that has the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- Offensive remarks, comments, jokes, slurs, or verbal conduct pertaining to an individual's race; color; religion; national origin; sex (including same sex); pregnancy, childbirth, or related medical conditions; age; disability or handicap; sexual orientation, gender identity, citizenship status; service member status; or any other category protected by federal, state, or local law;
- Offensive pictures, drawings, photographs, figurines, or other graphic images, conduct, or communications, including e-mail, faxes, and copies pertaining to an individual's race; color; religion; national origin; sex (including same sex); pregnancy, childbirth, or related medical conditions; age; disability or handicap; citizenship status; service member status; or any other category protected by federal, state, or local law;
- Offensive sexual remarks, sexual advances, or requests for sexual favors regardless of the gender of the individuals involved; or
- offensive physical conduct, including touching and gestures, regardless of the gender of the individuals involved.

.....

We also absolutely prohibit retaliation, which includes: threatening an individual or taking any adverse action against an individual for 1) reporting a possible violation of this policy, or 2) participating in an investigation conducted under this policy.

Our supervisors and managers are covered by this policy and are prohibited from engaging in any form of harassing, discriminatory, or retaliatory conduct. No supervisor or other member of management has the authority to suggest to any applicant or employee that employment or advancement will be affected by the individual entering into (or refusing to enter into) a personal relationship with the supervisor or manager, or for tolerating (or refusing to tolerate) conduct or communication that might violate this policy. Such conduct is a direct violation of this policy.

Even non-employees are covered by this policy. We prohibit harassment, discrimination, or retaliation of our employees in connection with their work by non-employees. Immediately report any harassing or discriminating behavior by non-employees, including guests, contractor or subcontractor employees. Any employee who experiences or observes harassment, discrimination, or retaliation should report it using the steps listed below.

Any employee who believes that (s)he is a victim of sexual harassment or has been retaliated against for complaining of sexual harassment, should report the situation immediately to one of the following members of management who have been designated to receive such complaints: Allyson Bathalon, Director of Human Resources, Planning & Analytics at 802-327-2123 or at 830 Jay Peak Road, Jay, VT 05859. If an employee makes a report to any of these members of management and the manager either does not respond or does not respond in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to one of the other members of management designated in this policy to receive complaints.

The company will conduct all investigations in a discreet manner. Our company recognizes that every investigation requires a determination based on all the facts in the matter. We also recognize the serious impact a false accusation may have. We trust that all employees will continue to act responsibly.

The reporting employee and any employee participating in any investigation under this policy have the company's assurance that no reprisals will be taken as a result of a sexual harassment complaint made in good faith. It is our policy to encourage discussion of the matter, to help protect others from being subjected to similar inappropriate behavior.

.....

In accordance with state law, we conduct training on the sexual harassment policy.

We encourage our employees to file a complaint of sexual harassment using our company's complaint procedure.

If you are dissatisfied with the resolution of your concern, you may also file a complaint by writing or calling the following agencies:

- Vermont Attorney General's office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, (802) 828-3171 (voice), (802) 828-3665 (TTY). Complaints should be filed within 300 days of the adverse action.
- Equal Employment Opportunity Commission, John F. Kennedy Federal Building, Government Center, 4th Floor, Room 475, Boston, MA 02203, (617) 565 3200 (voice), (617) 565 3204 (TTY). Complaints must be filed within 300 days of the adverse action.

### Open Door Policy

**Employees, please note: Due to the serious nature of harassment, discrimination, and retaliation, you must voice your concerns or complaints about such behavior to the individuals listed in the No Harassment Policy in this Handbook.**

The best way of resolving issues is through open communication. We support an open door policy. Start with your supervisor. If you don't feel it is appropriate to discuss your concern with your supervisor, speak to your department manager. If necessary, Senior Management and Human Resources may become involved. The Human Resources door is always open. No member of management is too busy to hear problems or complaints from any employee. We are dedicated to supporting an amicable, enjoyable workplace. Anything less is a compromise of our principles.

### DRUG & ALCOHOL POLICY

Drugs and alcohol have no place in the workplace. The resort is committed to providing a safe, healthy, drug and alcohol-free environment for employees. We believe in operating our resort responsibly, which includes reducing injuries, accidents and property damage. Our drug and alcohol policy applies to all employees and other individuals who perform work for the Company and is strictly enforced.

The resort prohibits the unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances or drug paraphernalia by an individual anywhere on Company premises, while on Company business (whether or not on Company premises) or while representing the Company, is strictly prohibited. Employees and other individuals who work for the Company also are prohibited from reporting to work or working while they are using or with the presence of alcohol or any controlled substances in his/her system, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. Alcohol is not permitted in the workplace, on or off-duty, except at Company-sponsored events or with management's express authorization and approval. Off-duty employees who choose to drink alcohol at resort bars must be 21 years of age and carry legal proof of age. We expect that if you choose to consume alcohol at a company sponsored event,

or when you are off duty you will do so in moderation. Additionally, employees are not allowed to wear uniforms while drinking or socializing in any establishment.

The use of prescription drugs is permitted on the job if it does not impair an employee's ability to perform the essential functions of the job in a safe and effective manner and when it does not endanger guests or other individuals in the workplace. Employees who operate heavy equipment, company vehicles, or are otherwise in a safety sensitive position and are taking prescription drugs, must report that information to the Department Supervisor and/or Risk Manager.

The resort recognizes that some controlled substances, including marijuana, may be approved for employee use for medical purposes by individual states. Any employee who presents a doctor's prescription will not be excused from compliance with our policies, including prohibition from smoking marijuana at work and possessing or selling marijuana on property. Nor does the use of medical marijuana excuse the employee from other performance standards. Employees must be fit for work regardless of state statute approval to use a controlled substance. All questions regarding this issue should be referred immediately to Human Resources.

There are resources available through your Human Resources Department if you need help with a drug or alcohol problem. We encourage you to contact our Employee Assistance Program. Please request contact information from your Supervisor or the Human Resources Department. Please approach us for help before you get into trouble at work. Once you have had performance problems and/or disciplinary action applied due to substance or alcohol use, you may be subject to further discipline including termination.



## USE OF TOBACCO PRODUCTS

The use of tobacco products is strictly prohibited while you're working, or in the workplace except in designated locations during break times. This includes Jay Peak Resort vehicles, equipment and issued uniform items. If you smoke, bring a personal jacket for use during breaks. Employees who wish to use tobacco products during breaks must do so in designated areas only and must use cigarette receptacles at all times. In accordance with state and federal law, minors are not allowed to use tobacco products. Please ask your supervisor for the designated tobacco area nearest to your work location.

## WEAPONS & WORKPLACE VIOLENCE

Violence, threats of violence and intimidation have no place at the resort. The resort is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to Company and personal property.

We do not expect you to physically subdue a threatening or violent individual. Indeed, we specifically discourage you from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage you to exercise reasonable judgment in identifying potentially dangerous situations. If you "see something; say something."

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in Company policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or Supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; demonstrating a propensity to behave and react irrationally.

## PROHIBITED CONDUCT

Threats, threatening language or any other acts of aggression or violence made toward or by any Company employee **WILL NOT BE TOLERATED**. 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 or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto Company premises, with the exception of authorized personnel such as law enforcement, avalanche control or other approved positions.

## PROCEDURES FOR REPORTING A THREAT

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom you feel comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the Company determines, after an appropriate good faith investigation, that someone has violated this policy, the Company will take swift and appropriate corrective action.

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 resort. Indeed, we want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

## EMPLOYEE SECURITY & SEARCH POLICY

We're committed to keeping employees and guests safe and sound. Employees are expected to cooperate fully in any interviews or investigations of possible violations of our company rules and policies. We reserve the right to require employees, while on duty or on our property, including the parking lot, to agree to inspections of their person, vehicles, lockers, desks, file cabinets, handbags or their personal property whenever it is deemed necessary for safety, business or security reasons. An employee's refusal to consent to such an inspection, or to otherwise cooperate in an investigation conducted under this policy, is grounds for disciplinary action up to and including termination. We appreciate your full understanding and cooperation.



## BUSINESS ETHICS AND CONDUCT

The successful business operation and reputation of the resort is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the resort is dependent upon our customers' trust and we are dedicated to preserving that trust. Employees owe a duty to Jay Peak, Inc., its customers, and stakeholders to act in a way that will merit the continued trust and confidence of the public.

The resort will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the Human Resources Department for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every Jay Peak, Inc. employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

## CONFLICTS OF INTEREST/RELATED PARTIES

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which Jay Peak, Inc. wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can comply with and seek further clarification on issues related to the subject of acceptable standards of operation as needed. Contact the Human Resources for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the executive level of Jay Peak, Inc. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit either the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval.

Unusual gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Jay Peak, Inc. does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving Jay Peak, Inc.

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 as a result of Jay Peak, Inc.'s business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, or have ownership interests in a Vermont business, they must disclose this fact in writing to Human Resources as soon as the existence of any actual or potential conflict of interest occurs so that safeguards can be established to protect all parties.

## MOBILE PHONE USAGE

Jay Peak, Inc. provides cellular telephones to some employees as a business tool. They are provided to assist employees in communicating with management and other employees, their clients, associates, and others with whom they may conduct business. Cell phone use is intended for business-related calls only and non-emergency personal calls are not permitted during work hours. Cell phone invoices may be regularly monitored.

The Computer & Email Usage policy applies to use of data and internet functions of cell phones.

All other employees must turn off all cell phones, pagers or other communication devices during work hours and these may only be used during employee breaks or lunch. If personal cell phones disrupt the workplace, the supervisor or manager may require personal phones to be surrendered upon entering the workplace. Jay Peak, Inc. land lines may not be used for personal use, except for emergency purposes.

Employees may have access to a cell phone while in their cars and should remember that their primary responsibility is driving safely and obeying the rules of the road. Employees are prohibited from using cell phones to conduct business while driving and should safely pull off the road and come to a complete stop before dialing or talking on the phone.

As a representative of Jay Peak, Inc., cell phone users are reminded that the regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a cell phone. Cell phone use by employees has the potential to negatively impact guest experience and fellow employee productivity.

## CONFIDENTIALITY POLICY AND INTERNET USAGE

All communication between Jay Peak, Inc. and its employees is considered confidential and privileged information that is not to be discussed verbally or distributed in written form to any person not employed by Jay Peak, Inc. without the written permission of Jay Peak, Inc. or designated employees.

Internet access to global electronic information resources on the World Wide Web is provided by Jay Peak, Inc. to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, personal use may be permitted with prior authorization.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of Jay Peak, Inc. and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of Jay Peak, Inc. As such, Jay Peak, Inc. reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

To ensure a virus-free environment, no files may be downloaded from the Internet without prior authorization.

Abuse of the Internet access provided by Jay Peak, Inc. in violation of law or Jay Peak, Inc. policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the organization's time and resources for personal gain
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, pirating, or downloading software and electronic files without permission
- Sending or posting confidential material, trade secrets, or proprietary information outside of the organization
- Violating copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the organization's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals or the Company
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Using the Internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications systems
- Sending or posting messages that disparage another organization's products or services or with the policies, procedures or the Company
- Passing off personal views as representing those of the organization
- Sending anonymous email messages
- Engaging in any other illegal activities
- Playing games such as solitaire, or other entertainment programs while on company time



## COMPUTER & EMAIL USAGE

Computers, computer files, the email system, and software furnished to employees are Jay Peak, Inc. property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email usage may be monitored.

The Jay Peak computer system is to be used by employees for the purpose of conducting Jay Peak business. Non-work and inappropriate work use of computers can negatively impact guests experience, negatively impact safety of guests and employees, and distract other employees.

Inappropriate use of Jay Peak computer systems is grounds for dismissal. This includes:

- Communication of sexually explicit images or messages
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non job-related solicitations during or after work hours
- Access to internet resources including web sites, news groups, and social media sites that are not directly required by your work for Jay Peak, during work hours.
- Using Jay Peak work email to receive automated notifications for non-work functions

Jay Peak, Inc. purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Jay Peak, Inc. does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. Jay Peak, Inc. prohibits the illegal duplication of software and its related documentation.

Employees should notify their immediate supervisor, the Information Services Manager or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

## CAMERA PHONES/RECORDING DEVICES

Due to the potential for issues such as invasion of privacy, sexual harassment, and loss of productivity, no employee may operate a camera phone on company property or while performing work for the Company, unless the device was provided to you by the Company and is used solely for legitimate business purposes.

The use of tape recorders, dictaphones or other types of voice recording devices anywhere on Company property, including to record conversations or activities of other employees or management, or while performing work for the Company, is also strictly prohibited, unless the device was provided to you by the Company and is used solely for legitimate business purposes.

## PERSONAL WEB SITES, BLOGS & SOCIAL MEDIA SITES (“SOCIAL MEDIA”):

Personal Web sites and social media sites or blogs (“Social Media”) are popular outlets for self-expression in Internet culture. We respect the right of employees to use these mediums during their personal time. Because our guests regard our team members as ambassadors of their resorts we ask that if you post comments or content about our resort or author a Social Media that you disclose that your views do not represent those of Jay Peak Resort and that you are not a representative of Jay Peak Resort. Your position within Jay Peak Resort is one of trust and confidence and we ask that you respect the privacy of trade secrets and confidential and proprietary business information of the organization and its guests, contractors and others with whom Jay Peak Resort has a relationship.

The Company respects the right of any employee to maintain Social Platforms. However, to protect the Company’s interests and ensure employees focus on their job duties, employees must adhere to the following rules:

1. Employees may not post on a Social Media site during work time or with Company equipment or property unless it’s a specified element of their position.
2. All rules regarding confidential information apply in full to Social Media sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a Social Media site.
3. Any conduct which under the law is impermissible if expressed in any other form or forum is impermissible if expressed through a Social Media site.

Further, the Company encourages all employees to contemplate the speed and manner in which information posted on a Social Media site can be relayed and often misunderstood by readers.

## SOLICITATION & DISTRIBUTIONS

In the interest of maintaining productivity and a proper business environment, employees may not distribute literature or other materials of any kind or solicit for any cause during the working time of any employee involved. Furthermore, employees may not distribute literature or other material of any kind in working areas, at any time, whether or not the employees are on working time. Non-employees are prohibited from soliciting or distributing materials to employees on Company premises at any time. For just some examples, non-working time would be lunch or break and a non-working area would be the break room.

# *Safety*

## OUR SAFETY POLICY

We are committed to providing a safe and secure working environment for our guests and employees. The resort intends to comply with all health and safety laws applicable to our business. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the Company's premises, or in a product, facility, piece of equipment, process or business practice for which the Company is responsible should be brought to the attention of management immediately.

Periodically, the Company may issue rules and guidelines governing workplace safety and health. The Company may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's Supervisor as soon as possible, regardless of the severity of the injury or accident.

The following section on safety serves as a guideline of general safety practices and policies that you can apply to your employment at the resort. Read it, keep it handy and refer to it as needed. Individual conditions may vary due to a variety of circumstances, and in such cases some of these guidelines may not fully apply.

Training for your specific job includes additional instruction on safe work practices and the proper operation of tools and machinery in your work area. During your training, you will have an opportunity to ask questions about any aspect of your work that you do not understand, and you are encouraged to do so. In addition to the initial training, your department may hold regularly scheduled safety meetings and inspections to address ongoing safety issues. We encourage, and in some cases, may require your participation and questions.

## OUR COMMITMENT TO YOU

Jay Peak Resort's safety program is designed to reduce injuries, accidents and property damage. We strive to maintain the highest standards and the safest work environment possible.

Our safety program requires that an employee knows his or her job, the procedures for correcting unsafe conditions, and how to help maintain an accident-free environment. The urgency of any task cannot be at the sacrifice of your safety and welfare. We are committed to providing the resources and tools necessary to do the job safely. If at any time you feel an unsafe situation or condition exists, report it to your supervisor. You must take an active role for your own safety as well as that of your co-workers and our guests.



## SAFE WORK PRACTICES

All employees in all work areas should follow this list of general safety practices. In addition to the general guidelines for all employees, it is your responsibility to follow the specific rules, policies and training guidelines for your department. Each department supervisor provides specific training necessary for successfully performing your job duties. Obviously not all safe work practices can be listed, our most important rule is to use good sense at all times.

1. Think before acting.
2. Know your limits. Ask for help when needed.
3. Take the time to do the job right.
4. Report all accidents and unsafe work conditions to your supervisor or the Risk Manager immediately.
5. Attend all regularly scheduled safety meetings.
6. Avoid physical confrontation with guests or co-workers.
7. Avoid horseplay.
8. Recreational skiing or snowboarding shall be off the clock and out of uniform.
9. Always observe "Your Responsibility Code" and all other policies relating to skiing and snowboarding.
10. Use proper body posture when carrying loads or lifting.
11. Exercise caution when climbing, bending or working around machinery or equipment.
12. Use all step stools and ladders safely. Do not stand on the top steps of ladders.
13. Use seat belts whenever operating a vehicle.
14. Work in well lighted areas.
15. Promptly clean up all spills.
16. Unauthorized personnel should not be in work areas.
17. Always use guards where provided for all equipment, machinery and tools.
18. Do not distract the attention of any employee operating a machine or tool.
19. Use Safe Job Operating Procedures (SJOP) whenever you use equipment, machinery or tools.
20. Do not operate equipment, machinery or tools unless you have been trained to do so.
21. Keep equipment, machinery and tools in top working shape.
22. Wear proper Personal Protective Equipment (PPE) as recommended for the job you're doing.
23. Wear proper clothing and footwear for each job.
24. Do not remove safety warning devices or tags from equipment or machinery.
25. Keep fire exits, stairs, walkways and aisles free of obstacles.
26. Keep all work areas clean and free of clutter.
27. Know how to safely use and clean up any hazardous material before you work with it.
28. Know where the Material Safety Data Sheets (MSDS) are located in your department. Read the MSDS before using substances.
29. Keep flammables stored properly.
30. Know the location of and use of fire alarms and equipment.
31. Be aware of gas shut off locations.
32. Keep electrical cords in good working order and do not overload outlets.
33. De-energize and lock out/tag out all mechanized devices prior to service, inspection or maintenance.

## DISCIPLINARY ACTION FOR SAFETY VIOLATIONS

Employees who fail to follow prescribed safety rules may be subject to the Jay Peak progressive discipline policy which may include action up to and including termination of employment. For us to be successful, each employee must be committed to our safety effort. Most accidents can be prevented. Whatever your role with Jay Peak Resort, you are important, and our goal is that you work safely each day and never experience an injury.

## USE OF FACILITIES, EQUIPMENT AND PROPERTY, INCLUDING INTELLECTUAL PROPERTY

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Please notify your Supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of loss, damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of the Company's intellectual property, such as audio and video tapes, print materials and software.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, the Company is not responsible for any damage to employees' personal belongings unless the employee's Supervisor provided advance approval for the employee to bring the personal property to work.

## EMPLOYEE SKIING & SNOWBOARDING

As an employee of Jay Peak Resort, you may enjoy the privilege of skiing and snowboarding on breaks and on your days off. If you take advantage of this privilege, take care to respect the following rules:

1. Observe "Your Responsibility Code" as well as state and local skiing and snowboarding statutes outlined in the resort's trail map.
2. "Clock out" before taking a ski or snowboarding break.
3. All recreational skiing and snowboarding is considered "off the clock" activities and resulting injuries are not covered by Workers Compensation.
4. An employee that must ski or snowboard for his or her job, or report to the job site by skiing or snowboarding, shall take designated routes or the easiest route between areas.
5. All employees who ski or snowboard while off-duty shall not be in uniform.
6. All employees must respect closed trails and all posted signs, warnings and closures.



## YOUR RESPONSIBILITY CODE

Skiing and snowboarding are, without a doubt, some of the most fun activities on the planet. And there's no denying they carry with them an element of danger. When you choose to participate in these sports on our mountain, you are accepting the risks involved. These include all the things that could cause you to lose control, fall, collide with another person, object or the snow, and become injured or die as a result. Please read and understand "Your Responsibility Code" and follow it when enjoying the sport. As an employee you can help enforce the code by example and by talking with others on the mountain. All employees must sign a liability release before being issued their employee resort I.D. or season pass.

Common sense and personal awareness can help reduce risk. Observe the code listed below and share with other snow sport enthusiasts the responsibility for a great skiing experience.

- Always stay in control and be able to stop or avoid other people or objects.
- People ahead of you have the right of way. It is your responsibility to avoid them.
- You must not stop where you obstruct a trail or are not visible from above.
- Whenever starting downhill or merging into a trail, look uphill and yield to others.
- Always use devices to help prevent runaway equipment.
- Observe all posted signs and warnings.
- Keep off closed trails and out of closed areas.
- Prior to using any lift you must have the knowledge and ability to load, ride and unload safely.

## VEHICLE POLICY

If your job requires you to operate a Jay Peak Resort vehicle, equipment or your personal vehicle for business purposes, you must meet specific requirements before being permitted to do so. All employees authorized to drive Company-owned or leased vehicles or personal vehicles in conducting Jay Peak Resort business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately.

A valid driver's license must be in your possession while operating a vehicle off or on Company property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

Company-owned or leased vehicles may be used only as authorized by management.

A current list of authorized drivers will be kept in the Security Department. Your department supervisor will provide the necessary training and safety guidelines that must be followed to maintain your authorization to drive. In order to ensure the continued eligibility of employees who operate vehicles on the job, we may periodically review the Motor Vehicle Reports (MVR) of all authorized drivers. If an employee's MVR exceeds the standards for driving outlined by the resort or our insurance carriers, you may lose your driving privileges. If an employee, whose sole job is to drive a Company vehicle, becomes ineligible to operate a vehicle for Company business, a transfer of position may be offered as an alternative to termination. Here are the guidelines under our driving policy:

- Jay Peak Resort vehicles are for Company use only.
- Do not drive if you are impaired in any way.
- ONLY authorized employees are permitted to drive Jay Peak Resort vehicles.
- Clean the vehicle after each use.
- Use of cell phones is prohibited while driving company vehicles.
- If you notice any problems with any Company vehicle, report the problem immediately.
- Accidents of any kind must be reported immediately, no matter how minor.
- Smoking is not allowed in Jay Peak Resort vehicles.

## CELLULAR PHONE USAGE WHEN DRIVING

Employees with cell phones must refrain from using their phones while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employee is driving, the employee must use a hands-free option and advise the caller that he/she is unable to speak at that time and will return the call shortly.

Employees who do not drive Company cars but use a cell phone for business use also must abide by the above regulations.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of their phones while driving will be solely responsible for all liabilities that result from such actions.

## PERSONAL PROTECTIVE EQUIPMENT

Some jobs at Jay Peak Resort require an employee to utilize Personal Protective Equipment (PPE). We will provide the necessary PPE and expect each employee to use it properly every time it is needed. Personal Protective Equipment includes, but is not limited to: ear plugs, dust masks, work gloves, work goggles/glasses, hard hats, helmets, and respirators. Take the time to get appropriate, well fitting PPE prior to undertaking a task. Personal Protective Equipment is each employee's shield against health and safety hazards.

## ACCIDENT INVESTIGATIONS

Accidents happen. And when they do, you are asked to refrain from making any comments about the cause, result or losses of an accident to an injured person(s), the general public, press or media. If you witness an accident involving employees or guests, report it IMMEDIATELY to your supervisor so that a full investigation can be conducted. You play a vital role in helping management sort out the facts of who, what, where, when and how the incident occurred. Thorough investigative reports are critical for eliminating future injuries and losses. Post-accident investigations can include reports, employee statements, witness statements, photos, and preservation of evidence. We expect full cooperation in these investigations and appreciate your help in completing them.

## WORKERS' COMPENSATION

If you are injured on the job, report it to your supervisor immediately. All employees of Jay Peak Resort are covered by Workers' Compensation for injuries or illnesses that arise out of and occur within the scope of employment. Work related injuries must be reported to your supervisor immediately in order to preserve your right to benefits. These benefits may provide you with:

- Appropriate medical care.
- Assistance with wage loss during your temporary absence from work.
- Compensation for permanent disability that may result from the injury.
- A return to suitable, gainful employment as soon as your condition allows.

We are committed to getting you back to work. If you are unable to return to your assigned job because of a work related injury, every attempt will be made to provide modified duty until a physician provides a full release. If light duty or modified work has been offered and you refuse this work, you could lose your right to some Workers' Compensation benefits as well as your job.

Any leave of absence due to a workplace injury runs concurrently with all other Company leaves of absence. Reinstatement from leave is guaranteed only if required by law. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

## OUR SAFETY COMMITTEE

Jay Peak Resort may designate a Health and Safety Committee made up of managers, supervisors and line staff. The committee brainstorms remedies to common concerns and discusses techniques and solutions to identifiable hazards. Your supervisor may ask you to represent your department on a committee. Of course, safety is everyone's job, not just committee members! All employees are welcome to participate.

## DEPARTMENT SAFETY MEETINGS

Departments will hold meetings to discuss work hazards and unsafe practices that may lead to employee or guest injuries and property damage. Safety meetings will be conducted by a variety of people and will sometimes include training from outside specialists or by video. Your participation is encouraged and your ideas are welcome. Attendance will be taken to document participation.

## WORKPLACE INSPECTIONS

Departments will conduct scheduled safety inspections of all work areas to look for hazards, identify areas that may need improvement, and to document our identification and correction of problems. Regularly scheduled workplace inspections will be conducted in your department and you may be asked to participate. If hazardous conditions are noted, immediately report them to your supervisor. If you are capable of safely correcting the hazard, take the initiative to do so. If the hazard poses a substantial and imminent risk of injury, notify your supervisor immediately.

## HAZARDOUS MATERIALS COMMUNICATION PLAN

Jay Peak Resort has a Hazard Communication Plan that provides you with information on the various substances and materials that are used on site. Your department has a Material Safety Data Sheets (MSDS) book, which has information on substances used in your area. MSDS forms list safe work practices, potential harmful effects of the chemical or substance, first aid measures and information needed for cleaning up spills.

The MSDS book is your guide to the substances you use. If you have any questions about any chemical or substance you are using, inspect the form and obtain the recommended personal protective equipment prior to using the substance. Please ask your supervisor before using any material or substance. If you inhale, ingest or absorb any chemical or material that causes a problem with any of your senses or bodily functions, please notify your supervisor immediately. Report any spills or problems with chemicals immediately.

## DISASTER PLANNING & EMERGENCY PROCEDURES PLAN

Jay Peak Resort has an Emergency Procedures Plan. The plan is designed to prepare and guide you to protect the health, safety and welfare of employees, guests and Company property. Part of the Emergency Procedures Plan includes training to explain your role in an emergency. It is impossible to fully predict the extent to which a disaster or emergency may affect the area because each situation is different. So the information set forth in the Emergency Procedures Plan is meant as a guideline only and contains responses for various types of disasters such as fire, avalanche, lift evacuation, search and rescue and other emergency operations.

JAY  PEAK

