

DIVERSITY PLAN

Mohegan Pennsylvania

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I. Overview

Downs Racing, LP d/b/a Mohegan Pennsylvania (MPA) is a minority business, owned and operated by the Mohegan Sun Tribe of Indians. Furthermore, the members of the governing body of the Mohegan Tribe of Indians are Native American. As such, MPA is committed to achieving diversity in all aspects of its operation. To that end, MPA has developed a Diversity Plan to assure that all persons are accorded equal opportunity in employment at and contracting with MPA.

II. Governance

MPA shall establish and maintain a Diversity Committee, which shall be comprised of the MPA President and General Manager, the MPA Assistant General Manager, the MPA Chief Financial Officer, the MPA VP of Human Resources, the MPA VP of Marketing, the MPA Director of Compliance, the MPA Director of F&B, and the MPA Director of Surveillance. Also, the Director of Corporate Governance has a standing invitation to the meeting. The Diversity Committee shall oversee and assure compliance with the Diversity Plan.

III. Employment

A. Diversity in Employment Policy Statement

As a minority owned and operated business, MPA is committed to hiring and promoting the most qualified persons into available positions at MPA. MPA shall provide all applicants and employees with equal opportunity in recruitment, selection, appointment, promotion, training, delegation, discipline and separation. MPA shall foster a work environment that is fair and impartial in all of its relations with all persons, regardless of race, color, religious creed, age, sex, ancestry, sexual orientation, national origin, AIDS or HIV status or non-job related disability. MPA shall make every effort to hire and promote minority groups and women and to involve them in every level of employment and decision-making. MPA will make, if feasible, reasonable accommodations to meet the physical or mental limitation of qualified applicants or employees. MPA will not tolerate any type of harassment including sexual harassment and will take all steps necessary to prevent any and all harassment from occurring.

B. Communication of Diversity in Employment Policy Statement

The diversity in employment policy statement shall be communicated as follows:

- To all newly hired employees at their initial orientation.

- Posting on employee bulletin boards.
- Posted on the MPA web site.
- Publication of a summary statement of the MPA policy in all printed and Internet employment advertisements.
- Publication in the MPA policies and procedures.
- Publication in the MPA employee handbook.

C. Implementation of Diversity in Employment Policy

The Diversity Committee shall designate the MPA VP of Human Resources to have the ultimate responsibility for the implementation of the Diversity in Employment Program. The VP of Human Resources shall delegate these duties and responsibilities to the MPA Human Resources employees to ensure compliance with the Diversity in Employment Policy.

D. Responsibilities of the VP of Human Resources

The responsibilities of the VP of Human Resources shall include, but not be limited to:

- Integrating the Diversity in Employment Policy into the MPA's employment policies and procedures.
- Reaffirming the Diversity Committee's internal policy statement and directing the posting of the statement in conspicuous locations at the MPA facility.
- Administering the Diversity Committee's Diversity in Employment Program.
- Assuring that reasonable accommodations for employees with disabilities are provided.
- Creating and maintaining a work environment that is free of discrimination and harassment, including sexual harassment.
- Assuring that Human Resource personnel are provided with clear direction and support necessary to accomplish his or her duties including the implementation of the Diversity in Employment Program.

- Taking appropriate disciplinary action where warranted against responsible persons in cases involving discrimination.
- Ensuring that employees are aware of and comply with the complaint process for violations of the Diversity in Employment Policy.
- Developing, planning, guiding and monitoring the MPA Diversity in Employment Program.
- Developing and submitting the Diversity in Employment plan to the MPA Diversity Committee.
- Investigating complaints that involve allegations of discrimination based on race, color, religious creed, age, sex, ancestry, sexual orientation, national origin, AIDS or HIV status or non-job related disability and will advise employees of the outcome of the investigation.
- Providing feedback to the Diversity Committee regarding the performance of MPA management as it relates to the Diversity in Employment Program.
- Reviewing job descriptions and performance standards on a continuing basis to ensure that valid job-related requirements and performance expectations are established.
- Reviewing the selection methods and procedures used by all managers and supervisors in training employees to ensure that the principles of nondiscrimination and equal employment opportunity are applied.
- Analyzing disciplinary actions for possible discriminatory practices.
- Reviewing exit interview data to ascertain whether those leaving MPA do so for non-discriminatory reasons and to take appropriate steps if discriminatory practices are identified.
- Participating in recruitment efforts in order to achieve appropriate workforce representation.
- Participating in personnel activities that may impact equal employment opportunity within MPA.
- Remaining current in equal employment laws, regulations, practices and procedures.

E. Responsibilities of Human Resources personnel

The responsibilities of Human Resources personnel shall include, but not limited to:

- Ensuring that all employees in supervisory or managerial positions carry out their personnel duties in a fair and equitable manner.
- Coordinating recruitment and selection activities for minorities, females and employees with disabilities.
- Assuring that Diversity in Employment training is included in orientation for new employees.
- Forwarding copies of discrimination complaints of any kind to the VP of Human Resources.
- Establishing and reviewing selection methods and procedures used by all managers and supervisors in hiring and promoting employees to ensure that the principles of nondiscrimination and equal opportunity are applied.
- When appropriate, investigating complaints that involve allegations of discrimination based on race, color, religious creed, age, sex, ancestry, sexual orientation, national origin, AIDS or HIV status or non-job related disability. Submitting those findings to the VP of Human Resources for review and final approval and advising employees of the outcome of the investigation.

F. Responsibilities of all Employees in Managerial Positions

The responsibilities of all employees in managerial positions include, but not be limited to:

- In conjunction with Human Resources, updating job descriptions for subordinates to assure they reflect only valid job requirements, and identifying essential duties.
- Reviewing and revising position qualifications, if necessary, to accurately reflect job needs as positions become vacant.
- Reviewing and assuring that non-discriminatory selection criteria and methods are used in all hiring, promotions and training opportunities.
- Disseminating to subordinates information on MPA's Diversity in Employment Policy and complaint procedures.

- Creating and maintaining a work climate that is free of discrimination and harassment, including sexual harassment, for all employees.
- Adhering to the prohibition against retaliation when an employee has filed a complaint or assisted in the investigation of a complaint against any party.

G. Responsibility of All Employees

The responsibilities of all employees shall include, but not be limited to:

- Adhering to the civil rights laws and policies of non-discrimination for all persons including co-workers, supervisors and subordinates.
- Treating co-workers, supervisors and subordinates with respect and dignity regardless of race, color, religious creed, age, sex, ancestry, sexual orientation, national origin, AIDS or HIV status or non-job related disability.
- Taking positive action to stop any discrimination or harassment by immediately reporting possible violations to the appropriate management staff and/or the VP of Human Resources and by cooperating in any investigation of alleged instances of discrimination or harassment.

H. MPA Discrimination and Harassment Complaint Procedure

To ensure that MPA employees receive equal employment opportunities and work in an environment that is free from discrimination, MPA shall establish the following process to resolve discrimination and harassment complaints:

Any individual who feels that he or she has been a victim of harassment or discrimination in any form by any manager, supervisor, co-worker, customer, client or any other person in connection with his or her employment should bring the problem immediately to the attention of their supervisor, department head or the VP of Human Resources. If the complaint involves the employee's direct supervisor or someone in the employee's direct line of supervision, or if the employee is uncomfortable for any reason with discussing such matters with the individuals designated or is not satisfied after bringing the matter to the attention of one or more of these individuals, the employee may bypass these individuals and instead should report the matter promptly to the General Manager at 570.831.2149.

Supervisors and managers should take each complaint of harassment/discrimination seriously and should not make judgments as to the validity or severity of any complaint. Each complaint brought to the attention of a supervisor/manager should be reported to the Human Resources Department immediately. Even suspicions that

harassment/discrimination may be occurring should be discussed with a representative of Human Resources.

MPA will investigate allegations of harassment in as prompt and confidential a manner as possible and will take appropriate corrective action when warranted. Any employee who is found, as a result of such an investigation, to have engaged in harassment or discrimination in violation of this policy will be subject to appropriate disciplinary action, up to and including termination of employment. Furthermore, retaliation in any form against an employee or applicant who exercises his or her right to make a complaint under this policy or who cooperates in the investigation of any such complaint is strictly prohibited, and will itself be cause for appropriate disciplinary action.

Any questions regarding this policy should be addressed to the VP of Human Resources.

I. Fair Treatment Procedure

To ensure that employment related decisions are made based on legitimate business factors and are void of, among other things, considerations based on race, color, religious creed, age, sex, ancestry, sexual orientation, national origin, AIDS, or HIV status or non-job related disability, MPA shall implement the following fair treatment procedure:

STEP 1

Within three (3) days of when the employment issue arises or as soon as possible thereafter, the employee may bring the problem to the attention of his/her immediate supervisor. The supervisor should provide him/her with an explanation or solution.

STEP 2

If the employee is not satisfied with the action by the supervisor or should the supervisor fail to respond within three (3) days of the incident, the employee may bring the issue to the attention of the department manager within five (5) days of the incident. The department manager should discuss the issue with both the supervisor and the employee to ensure he/she gets all the facts. If witnesses are involved, the department manager should meet with the witness(es). The department manager should explain his/her decision to the employee within three (3) days after the incident was brought to his/her attention

STEP 3

If the employee reasonably believes their issue has not been adequately addressed, he/she should contact a Human Resources Representative who will review and research the situation and make every effort to amicably resolve the issue. Human Resources will, after its review, follow up with the parties involved. Human Resources, at its discretion, may take the issue to a Vice President and/or a Director to facilitate a resolution. The Vice President and/or Director will follow up within their department as necessary.

Please note: Mohegan Pennsylvania believes employee problems can be most effectively handled by following the steps noted above. However, employees are also encouraged to seek guidance from Human Resources before pursuing Steps 1 and 2.

STEP 4- Board of Review

Mohegan Pennsylvania has established a “Board of Review” procedure for the review of certain disciplinary action. The Board of Review is available to an eligible employee to whom management has issued either of the following:

- a. Disciplinary Final Written notice; or
- b. Termination of Employment

The employee may request to have the final written notice or termination considered by a Board of Review Panel, provided he/she makes a written request to Human Resources within five (5) days of receiving the final written notice or notification of their termination. Human Resources shall review the Board of Review Request and ascertain whether the employee is eligible. An employee who might otherwise be eligible for a Board of Review is determined to be eligible; Human Resources will schedule and administer the Board of Review.

Eligibility for the Board of Review/Administrative Request

All full time and part time employees holding positions below the “Manager” level who have successfully completed the ninety-day (90) probationary period and who have not been excluded by any applicable regulatory body are eligible to request a Board of Review/Administrative Request.

Attendance violations and administrative requests made through Human Resources are not eligible for a Board of Review. In such cases, Human Resources will research the situation and respond to the employee in a timely fashion. At this point, if the eligible employee remains unsatisfied, the employee may submit an Administrative Review Request Form, provided he/she makes a written request to Human Resources within five (5) days of receiving notification and explanation from their department. These results will be forwarded to the VP of Human Resources for further considerations.

In cases where an employee has had his or her license suspended or revoked by the Pennsylvania Gaming Control Board or the Pennsylvania Harness Racing Commission, the Board of Review will only be heard if the employee’s license is reinstated. Employees who request a Board of Review prior to the time their license is reinstated will be notified in writing that they will have five (5) days to request a Board of Review.

An employee who might otherwise be eligible for a Board of Review may be declared ineligible in the event his or her request is submitted after this five (5) day period.

If the employee is determined to be eligible for the Board of Review, Human Resources shall schedule and administer the Board of Review.

The Board of Review Panel will consist of three (3) randomly selected members. The panel will be comprised of the following:

- a. One (1) shift manager-or-above level employee. The shift manager-or-above will not be directly in the employee's chain-of-command.
- b. One (1) employee of the same/comparable level from within the employee's department/division who is in good standing (may not have an active or pending final notice) and has worked at Mohegan Pennsylvania for at least ninety (90) days.
- c. One (1) non-supervisory employee from any other department who is in good standing (may not have an active or pending final notice) and has worked at Mohegan Pennsylvania for at least ninety (90) days.

Hourly employees who serve on the Board of Review will get paid for the hours at the Board of Review Hearing.

The employee from the department will be selected randomly from a list of three (3) employees chosen by the employee seeking review, and of a comparable level to the employee requesting the Panel. The remaining employee will be selected randomly from a list of full/part time non-supervisory employees who have volunteered to be a part of this process. This third member of the panel may only serve on the board once every six (6) months unless the list of employees has been exhausted. Panel members may not be immediate family members as defined in our Employment of Relatives Policy or have any direct involvement in the case. Additionally, any other conflict of interest should be brought to the attention of Human Resources. If necessary, appropriate changes will be made.

The Board of Review shall convene promptly following selection of the panel members. The Board of Review shall proceed in an informal manner. The employee may, but is not required to, present a written summary of his/her position and a statement of reasons why the disciplinary final warning or termination should be rescinded or modified. The employee may only call witnesses who have direct knowledge of the incident in question.

Only employees employed by Mohegan Pennsylvania may be included in the Board of Review process.

The Board of Review Panel shall consider the employee's statements, documents, or the statements of witnesses, and may also consider statements or documents submitted by the manager or director who issued the disciplinary notice. These statements or documents include all materials in the employee's personnel file regardless of the date issued.

Please note: Tape or video recording of the Board of Review is not permitted.

Human Resources will assist the panel and administer with the process but will not be a voting member of the panel. The panel normally will convene within seven (7) days of the date of request and will not exceed fourteen (14) days, unless an evidenced extraordinary situation occurs.

Prior to the Board of Review hearing date, Human Resources will brief the panel members on the issue(s) involved and the positions taken by the employee and management.

Securing witnesses is the responsibility of each party, although, should the employee experience difficulty in getting employees released from work, Human Resources will assist.

The order of presentation is at the panel's discretion. It shall hear the testimony of the employee, manager/supervisor who took the action and witnesses separately and privately. It may recall the parties and witnesses as necessary. It may call such additional witnesses as it deems necessary.

Once the panel has heard all the testimony, it will arrive at a decision. In arriving at the decision, each member will have an equal vote. All decisions of the Board of Review shall be by a majority vote. The panel will then prepare notes stating those facts on which the decision is based. Human Resources will notify the employee and the manager that a final decision will be reached within twenty-four (24) hours. Human Resources will reduce the decision to writing. All panel members will approve and sign the decision and Human Resources will communicate the final decision to both parties.

STEP 5 – President's Review

The Board of Review recommendation may be reviewed by the President/CEO upon application from either the employee or the manager or director who issued the disciplinary final written notice or termination decision.

Any application for review by the President/CEO must be made within five (5) days of the announcement of the Board's decision, unless an evidenced extraordinary situation occur. The application shall be in writing on a form provided by the Human Resources department.

The President/CEO's decision accepting, rejecting, or modifying the Board of Review recommendation shall be final.

ROLE OF THE BOARD OF REVIEW PANEL & SPECIAL CONSIDERATIONS

The Board of Review Panel may recommend:

1. Reinstatement of an employee who has been terminated;
2. Reduction of disciplinary action;
3. Uphold the action

In cases when a Board of Review panel decides to uphold a termination for performance, the panel may recommend that the amount of time required for the employee to be considered for re-hire is reduced to sixty (60) days.

In these cases, the employees must attend a career development assessment in Human Resources prior to re-applying for employment.

The decision to re-hire an individual will ultimately be made by the department.

Through the Board of Review process, the panel may discover opportunities for policy enhancements. Any potential modifications or changes to policies/procedures will be addressed by Human Resources and, if necessary, with the respective department.

Presentation of the department's position will be made only by that level of supervision directly involved in the action resulting in the Board of Review request, unless other supervisory levels are requested to testify by the Review Panel.

Only Mohegan Pennsylvania employees may testify or present evidence at a Board for Review. Individuals not employed by Mohegan Pennsylvania are not allowed to attend, be present or present any written testimony during a Board of Review, including representation by an attorney. Additionally, this program does not include cross examination by the department and/or the employee or include witnesses without first-hand knowledge of the case under review. The employee and supervisor/manager involved must represent themselves before the panel. No attorneys or outside spokespersons shall be permitted.

J. Diversity in Employment Actions and Objectives

The VP of Human Resources shall:

- On an annual basis, present diversity objectives to the Diversity Committee and a plan to meet said objectives which shall include, but not be limited to the following:
 - Developing a recruiting and retention strategy that targets representation of minorities and females at MPA that are at least equivalent to the:
 - Percentage of minorities and females among the total workforce in the local labor area of the MPA facility; or
 - Percentage of minorities and females among the general population in the local labor area of the MPA facility; or

- Percentage of minorities and females seeking employment in the local labor area of the MPA facility
- Promoting communications throughout the MPA organization of the Diversity Committee's desire to create and maintain a work environment that is free from discrimination and harassment.
- Monitoring personnel transactions to ensure that the principles of nondiscrimination and equal employment opportunity are applied.
- Providing counseling to employees regarding problems, complaints and discrimination and harassment issues and the procedure for resolution.
- Reviewing disciplinary actions and taking necessary steps to ensure that all employees are given equal consideration with regard to employment actions.
- Investigating complaints that involve allegations of discrimination based on race, color, religious creed, age, sex, ancestry, sexual orientation, national origin, AIDS or HIV status or non-job related disability.
- Partnering with MPA managers to promote the Diversity in Employment Program.
- Conducting exit interviews and inquiries into issues presented by respondents that would inhibit the recruitment and retention of qualified individuals.
- Participating in the development of applicable MPA policies to ensure the inclusion of correct and accurate information regarding all diversity issues.

L. Diversity Committee

The Diversity Committee shall meet at least four (4) times per year. On an annual basis, the Diversity Committee shall review and approve the diversity objectives presented by the VP of Human Resources. At each Diversity Committee meeting, the VP of Human Resources shall report the status of achieving said objectives.

IV. Contracting

A. Diversity in Contracting Policy Statement

As a minority owned and operated business, MPA is committed to maintaining an equitable and competitive business environment that is mutually advantageous to MPA and its suppliers, vendors, agents, contractors, subcontractors, assignees and lessees (hereinafter referred to collectively as “suppliers”). MPA believes that a diverse group of suppliers is essential for fostering healthy competition, resulting in the best value for MPA. Therefore, MPA is dedicated to achieving supplier diversity through its solicitation, selection and utilization for its suppliers.

B. Communication of Diversity in Contracting Policy Statement

The Diversity in Contracting Policy Statement shall be communicated as follows:

- Posted on MPA web-site.
- In printed materials and distributed at supplier opportunity fairs and networking events.
- In MPA requests for proposals, requests for quotes and similar solicitations by MPA for suppliers to provide goods and services.
- On the web sites, via link to the MPA web site or otherwise, of entities and associations that predominately have minority and women owned businesses as members or constituents to the extent permitted by such entities or associations and as deemed appropriate by the MPA Chief Financial Officer.
- On the web sites, via link to the MPA web site or otherwise, of entities and associations such as chambers of commerce that predominately have local businesses as members or constituents to the extent permitted by such entities or associations and as deemed appropriate by the MPA Chief Financial Officer.

C. Implementation of Diversity in Contracting Policy

The Diversity Committee shall designate the MPA Chief Financial Officer to have the ultimate responsibility for compliance with the Diversity in Contracting Policy which shall be through the development and implementation of the Diversity in Contracting Program.

D. Diversity in Contracting Program

Under the direction of the Chief Financial Officer, MPA shall develop and implement the Diversity in Contracting Program. On an annual basis, the Diversity in Contracting Program shall be presented by the Chief Financial Officer to the Diversity Committee for

review and approval. The Diversity in Contracting Program shall meet the following minimum requirements:

Outreach Program – When available to safely be conducted in the future, the Diversity in Contracting Program shall include a strategy whereby MPA will:

- Host opportunity fairs and networking events for the purpose of bringing women and minority owned businesses (MWBEs) to meet MPA procurement personnel and MPA end users of supplier goods and services.
- Arrange follow up meetings with MWBEs and MPA end users.
- Conduct “How to do Business with Mohegan Pennsylvania” seminars for the purpose of educating suppliers about the policies, procedures and processes that must be followed to do business with MPA. MPA will specifically seek the attendance and participation of MWBEs.
- Visit supplier sites to determine their capability of meeting MPA supplier requirements.
- Conduct workshops and other activities to increase MWBE awareness of the types and volumes of goods and services that MPA purchases in the course of its business.

Certification – MPA will provide a means to recognize the process by which MWBEs can be certified as minority and/or women businesses, identifying and accepting the certification of the Bureau of Minority and Women’s Business Enterprises of the Department of General Services under 62 PA.C.S. Part I (relating to Commonwealth Procurement Code).

Supplier Opportunities – The Diversity in Contracting Program shall include a strategy whereby MPA will:

- Notify certified MWBEs, who have been identified through the MPA outreach program or otherwise as having the capability to provide goods and services to MPA, when needs for their goods and services arise.
- Provide MWBEs with the informational source where MPA supplier opportunities are published or otherwise located.

Participation Plan – As is deemed necessary or appropriate by the Chief Financial Officer to meet the goals of the Diversity in Contracting Program, the Chief Financial Officer will develop a participation plan whereby non MWBE suppliers may be required to utilize certified MWBEs as part of providing their goods and service to MPA.

Goals – The Chief Financial Officer shall establish MWBE procurement goals and objectives which shall be based on one or more of the following:

- Percentage of MWBEs in the local related business area of the MPA facility;

- Percentage of MWBE revenue in the local related business area of the MPA facility.

Issue Resolution Procedure – The Chief Financial Officer shall establish a procedure whereby MWBE suppliers may seek resolutions to concerns they may have about their participation in the MPA MWBE Program. The issue resolution procedure will be communicated to MWBE suppliers at opportunity fairs, networking events, seminars, workshops or by other means determined by the Chief Financial Officer to effectively communicate said procedure to MWBE suppliers.

E. Responsibilities of the MPA Buyer

The responsibilities of the Buyer shall include, but not be limited to:

- Implementing and monitoring the MPA Diversity in Contracting Program.
- Reviewing selection methods and procedures used by all managers, supervisors and procurement personnel in awarding goods and services contracts to suppliers.
- Ensuring that employees in purchasing authorization positions carry out their duties in a fair and equitable manner and in compliance with the Diversity in Contracting Program.
- Analyzing supplier diversity utilization data to ascertain the extent to which the MPA is complying with the Diversity in Contracting Program.
- Developing and implementing outreach programs in order to achieve appropriate supplier's diversity representation.
- Remaining current in procurement practices that will assure compliance with the Diversity in Contracting Program.
- Coordinating the solicitation, selection and utilization of a diverse group of suppliers.

F. Responsibilities of the Chief Financial Officer

The responsibilities of the Chief Financial Officer shall include, but not limited to:

- Developing and submitting the Diversity in Contracting Program to the MPA Diversity Committee for review and approval when applicable.
- Overall administration of the Diversity in Contracting Program.
- Integrating the Diversity in Contracting Policy into the MPA procurement policies and procedures.
- Directing the communication of the Diversity in Contracting Policy Statement as required herein.
- Assuring that the Purchasing Department is provided with clear direction and support necessary to accomplish their duties in the development and implementation of the Diversity in Contracting Program.

- Taking appropriate action where warranted with regard to persons who fail to implement and adhere to the Diversity in Contracting Program.
- Ensuring that all procurement and other appropriate employees are aware of and comply with the Diversity in Contracting Program.
- Addressing supplier complaints and forwarding copies of supplier complaints of any kind to the Diversity Committee.
- Providing feedback to the Diversity Committee regarding the performance of MPA as it related to the Diversity in Contracting Program.

G. Responsibilities of all employees in Managerial Positions

The responsibilities of all employees in managerial positions shall include, but not be limited to:

- Assuring that non discriminatory selection criteria and methods are used in all purchasing practices.
- Disseminating to subordinates in supplier selection positions information on MPA's Diversity in Contracting Program.
- Creating and maintaining a work climate that is free of discrimination.

H. Responsibility of All Employees

The responsibilities of all employees shall include, but not be limited to:

- Adhering to MPA's Diversity in Contracting Program.
- Applying to nondiscriminatory selection criteria and methods in all purchasing practices.
- Taking positive action to stop any other supplier discrimination and immediately reporting violations to the appropriate management staff and/or the Diversity Committee and by cooperating in any investigation of alleged instances of discrimination.

I. Diversity Committee

The Diversity Committee shall meet at least four (4) times per year.