



# **EMPLOYEE HANDBOOK**

## **DENVER CENTRAL RESERVATIONS**

**Revision Date: 8/7/2023**



# **Xanterra Parks & Resorts® Employee Handbook**

## **Important Notice—Please Read**

While Xanterra Parks & Resorts (“Xanterra” or the “Company”) believes wholeheartedly in the policies, procedures, and benefits described in this Employee Handbook, they are not terms or conditions of employment. Instead, they are used solely at the discretion of Xanterra and its management. Xanterra reserves the right to modify, suspend, or eliminate any, all, or any part of the policies, procedures and benefits set forth in this Employee Handbook, along with any other policies, procedures, practices, benefits or programs of Xanterra. Xanterra maintains its Employee Handbook in print and electronic format on the company’s employee intranet, Xpress ([www.xanterra.interactgo.com](http://www.xanterra.interactgo.com)). For the most current description of company policies, procedures, and benefits in the Xanterra Employee Handbook, employees should refer to the electronic version on [Xpress](#).

The policies and procedures contained in this Employee Handbook and the language used to portray them is not intended to create, nor is it to be construed to constitute, a contract or guarantee of employment. Likewise, no oral statement or assurance is intended to create, nor is it to be construed to constitute, a contract or guarantee of employment. In addition, the contents of this Employee Handbook are summary guidelines and therefore, are not all-inclusive. Where this Employee Handbook conflicts with benefit plan documents or any collective bargaining agreement, the benefit plan documents or collective bargaining agreement will prevail over the Employee Handbook. If there is any conflict between the policies and procedures described in Sections 1 through 7 of this Employee Handbook and the State Law Addendum in Section 8, the State Law Addendum Section will prevail.

**Where recognized by applicable state law or collective bargaining agreement, your employment with Xanterra is voluntary and "at-will," meaning that all employees and Xanterra have the right to terminate the employment relationship at any time, with or without notice or cause. Changes in compensation, location, job duties, level of employment, or other changes do not modify the right of employees or Xanterra to terminate the employment relationship at any time, with or without notice or cause.**

**Please understand that no supervisor, manager, or representative of Xanterra other than a corporate officer of Xanterra has authority to enter into any promises or commitments contrary to the foregoing, including entering into an employment contract for an indefinite period of time on behalf of Xanterra. An employee’s at-will status may only be altered by a written employment contract executed by the employee and an officer of Xanterra that specifically revokes the “employment at-will” relationship. An employee’s at-will status cannot be modified by any practice or procedure of Xanterra or the industry.**

This Employee Handbook, as it exists in print and electronic format on [Xpress](#), supersedes all previously issued editions of the employee handbook, manuals, personnel policies, letters, memoranda, and understandings.

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## **1.0 INTRODUCTION**

Congratulations! You have joined the leader in park and resort hospitality and adventure travel. We are privileged to operate in some of the world's most beautiful locations. At all of our properties – from California to Vermont – Xanterra Travel Collection® stands for excellence in service.

We believe that our people are Xanterra's most valuable resource. That's a pretty big statement considering some of the natural resources surrounding our properties, but we mean it. Without the talent and commitment from each and every one of you, we could not create special memories and unforgettable experiences for our guests.

This handbook has been prepared to assist you in understanding the policies, practices, and benefits that pertain to your employment. This Employee Handbook is intended to acquaint you with Xanterra and provide you with information about working for our company, as well as to notify you of your responsibility to read and understand all of the policies governing your employment with Xanterra. If you have any questions after reading this Employee Handbook, please see your supervisor or Human Resources.

We hope that you find your work with Xanterra Travel Collection® challenging, satisfying, and rewarding!

### **1.1 Xanterra History**

Xanterra's legacy of hospitality leadership spans more than a century beginning with Fred Harvey, a talented visionary who saw the need for quality hotels and restaurants for weary travelers making their way West in the late 1800's. The travelers of that era typically travelled west from Chicago on hard wooden seats in overcrowded railroad cars. Harvey devised an ingenious telegraph system to notify his restaurants well in advance of train arrivals, making it possible to feed hundreds of passengers in a short period of time. By offering good food served promptly – in sharp contrast to many other early Western eateries – Harvey enjoyed tremendous success. Before long, Harvey was operating restaurants, hotels, gift shops and newsstands in increasing numbers along the railroad route.

Xanterra acquired The Fred Harvey Company in 1968, and with the acquisition of TW Recreational Services in 1995, became the largest national and state park concessioner in the United States. In September 2008, Denver-based Anschutz Company purchased Xanterra, and pledged that the company would remain true to the legacy of hospitality established by Fred Harvey and would continue to set the standard for ecologically sound resorts that complement, not harm their natural surroundings.

Today, Xanterra is the nation's largest park-management company with operations in Yellowstone National Park, Glacier National Park, Death Valley National Park, the South Rim of the Grand Canyon, Mount Rushmore National Memorial, Rocky Mountain National Park and Zion National Park. The Company operates the Grand Canyon Railway & Hotel in Williams, AZ. In 2011 a Xanterra affiliate purchased Windstar Cruises, a cruise line with a fleet of luxury yachts that call at ports throughout Europe, the South Pacific, the Caribbean and Central America. In 2013, Xanterra acquired three additional suites-only ships to expand the Windstar Cruises fleet. Also, in 2012 and 2013, Xanterra acquired The Grand Hotel in Tusayan, AZ and Otago, LLC dba VBT Bicycling and Walking Vacations. In 2014, Xanterra acquired Country Walkers as a division of Xanterra Adventure Companies, LLC (formerly known as Otago, LLC). In 2016, Xanterra acquired Holiday Vacations, LLC. In 2017, Xanterra acquired the Cedar Creek Lodge in Columbia Falls, MT.

Though the Company’s operations now cross the country – from the charming backroads of Vermont to the magical desert of Death Valley – Xanterra remains true to the legacy established by Fred Harvey and continues to set the standard for lodging, restaurants, and concessions that complement the natural beauty of their surroundings. Although Xanterra is a large national company, it is made up of individuals like yourself. Our guests may not remember our Company’s name, but they will always remember the individual attention they receive from just one person – you. We hope you will be proud to be a part of the Xanterra team.

### 1.2 Mission and Values

Xanterra’s mission is to provide Legendary Hospitality with a Softer Footprint®. This includes creating unforgettable memories for our guests who come from around the world to see our country’s legendary parks and resorts. Xanterra has twelve Core Values that are fundamental to our success:

- Leadership
- Respect
- Candor
- Guest Service
- Attitude
- Teamwork
- Environment
- Community
- Innovation
- Health & Balance
- Honesty & Integrity
- Profitability

**Xanterra**  
LEGENDARY HOSPITALITY with a softer footprint®

TWELVE VALUES THAT ARE FUNDAMENTAL TO OUR SUCCESS

<p><b>LEADERSHIP</b> <i>Lead by example. Encourage, praise and inspire others.</i></p>	<p><b>ENVIRONMENT</b> <i>Protect the environment. This is vital and part of everyone’s job.</i></p>
<p><b>RESPECT</b> <i>Treat everyone with dignity and respect.</i></p>	<p><b>COMMUNITY</b> <i>Be good citizens and good neighbors.</i></p>
<p><b>CANDOR</b> <i>Commit to candid and honest dialogue, delivered and received with respect and without fear of reprisal.</i></p>	<p><b>INNOVATION</b> <i>Embrace alternative thinking, responsible risk-taking and continuous improvement.</i></p>
<p><b>GUEST SERVICE</b> <i>Provide services and products that create memorable experiences while continually exceeding guest expectations.</i></p>	<p><b>HEALTH &amp; BALANCE</b> <i>Live a healthy lifestyle that balances personal and professional responsibilities.</i></p>
<p><b>ATTITUDE</b> <i>Be positive. Work hard and never give up. Enjoy what you do.</i></p>	<p><b>HONESTY &amp; INTEGRITY</b> <i>Practice honesty and integrity in all business and personal dealings.</i></p>
<p><b>TEAMWORK</b> <i>Be a team player. Our success depends on highly motivated, committed and competent people who share our vision and work together to attain it.</i></p>	<p><b>PROFITABILITY</b> <i>It is everyone’s job to contribute to Xanterra’s sustained financial success, which allows us to invest and preserve our beautiful places on earth.</i></p>

BEAUTIFUL PLACES ON EARTH®

### 1.3 LIVE LIFE Culture Pillars

LIVE LIFE is based on seven pillars that support our Mission and Values and drive our company culture. LIVE LIFE is more than a communication program, it’s also a call to action to live your best Xanterra Life by these seven pillars:

- **LIVE LIFE CARE**

We treat everyone with respect and compassion. We deliver high standards of hospitality and guest services and are good citizens and neighbors. Everyone can be themselves and belong because differences enrich and strengthen the team and our community.

- **LIVE LIFE LEARN**

We invest in our employees by providing opportunities to strengthen their skills and learn new ones. We are invested in our employees' future and offer opportunities for development and advancement. Personal and professional growth benefits the individual as well as our community.

- **LIVE LIFE INNOVATE**

We are a community of innovative leaders, entrepreneurs, and creative problem solvers. Our culture, performance, and growth are based on the collective energy and individual contributions of every team member. Employees are empowered to make decisions, try something new, and share their ideas.

- **LIVE LIFE RESPONSIBLE**

We are fair and honest and act with integrity in all that we do. We believe in hard work, pitching in to get the job done, and doing the right thing. We practice solid business ethics and follow laws and guidelines in operating our Company.

- **LIVE LIFE SAFE**

The personal safekeeping and security of our employees and guests is our top priority. We make every effort to ensure every individual is comfortable and safe from the moment they arrive until the time they depart. To maintain our high safety standards, we provide and participate in regular and ongoing risk and safety training programs and adhere to regulations and reporting best practices.

- **LIVE LIFE SUSTAINABLE**

As stewards of some of the most beautiful places on earth, it is our duty to protect and nurture our natural environment. We are committed to sustainable actions such as reducing, reusing, recycling, composting, and conserving, as a way of life. We inspire others to create a softer footprint in their own spaces.

- **LIVE LIFE WELL**

We create a healthy culture that supports personal and professional responsibilities. We offer benefits that encourage employees in making wise choices to achieve their goals and live more fully. Our employee programs are designed to support physical, mental, and emotional health.

## **2.0 EMPLOYMENT WITH XANTERRA**

### **2.1 Equal Employment Opportunity (EEO)**

Xanterra is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of race, color, national origin or ancestry, religion, sex, sexual

orientation, gender identity or expression, age, physical or mental disability, military or veteran status, pregnancy, marital status, genetic information, or any other status protected by federal, state, or local law or ordinance or regulation. This policy applies to all policies, procedures, and decisions relating to recruitment and hiring, compensation, benefits, termination, and all other conditions of employment.

The Company is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in Company operations and prohibits unlawful discrimination by an employee of the company, including supervisors and coworkers.

### **2.1.1 Affirmative Action**

In support of our equal employment principle, Xanterra has developed written Affirmative Action plans for women, minorities, individuals with disabilities, Vietnam Era Veterans, and other protected Veterans. Xanterra's EEO Officer is the Corporate Director of Employee Relations. This individual is responsible for compliance with state and federal EEO laws and affirmative action regulations. This individual is also responsible for implementing Xanterra's Affirmative Action Plan, including equal employment practices, monitoring and internal reporting. A copy of Xanterra's current Affirmative Action plan is available for review upon request.

### **2.1.2 Diversity, Equity, Inclusion, and Belonging**

The Company is committed to fostering a diverse workforce, and maintaining a workplace that is equitable, inclusive, and welcoming for all employees. From recruiting practices to professional growth and development and other aspects of employment, offering an environment where all employees can be themselves and thrive is the Company's goal.

We not only recognize that you, our employees, comprise a wide range of backgrounds and characteristics, but we believe those differences should be celebrated and valued.

As expressed in our LIVE LIFE CARE pillar, we treat each other with respect and compassion to create a culture where everyone can be themselves and feel a sense of belonging because we believe our differences enrich our teams and strengthen our community.

### **2.1.3 Pay Transparency**

The Company will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the Company's legal duty to furnish information.

#### **2.1.4 Complaint Procedure**

If you believe there has been a violation of Xanterra's EEO policy, please refer to the section in this Handbook entitled "Open Door Policy and Employee Resolution Procedures." The Company will undertake a thorough and objective investigation and attempt to resolve the situation. Employees found to be responsible for violating Xanterra's EEO policy will be subject to corrective action, up to and including termination. Xanterra prohibits retaliation against any employee for filing a complaint in good faith under this EEO policy or for participating in any complaint investigation.

### **2.2 Harassment Free Workplace**

#### **2.2.1 Harassment**

Xanterra strives to maintain a work environment free of unlawful harassment. In doing so, the Company prohibits unlawful harassment because of race, color, national origin or ancestry, religion, sex, sexual orientation, gender identity or expression, age, physical or mental disability, military or veteran status, pregnancy, marital status, genetic information, or any other status protected by federal, state, or local law or ordinance or regulation. Harassment includes verbal or physical conduct that has the purpose or effect of: 1) creating an intimidating, hostile, or offensive work environment; 2) unreasonably interfering with an individual's work performance; and/or 3) otherwise adversely affecting an individual's employment opportunities. This policy applies to all employees including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, and contractors.

#### **2.2.2 Sexual Harassment**

Xanterra strongly opposes sexual harassment and inappropriate sexual conduct. "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; 2) submission or rejection of such conduct is used as a basis for employment decisions; or 3) such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, emails, instant messages.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, or repeated unwanted requests for dates.
- Physical gestures and other non-verbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

#### **2.2.3 Reporting Harassment or Discrimination**

If you believe there has been a violation of the EEO policy or harassment based on a protected status, including sexual harassment, you have a responsibility to report the situation as soon as possible. A report should be made to your supervisor or, if the incident involves your supervisor, or you are uncomfortable reporting the incident to your supervisor, to a senior manager or the Human Resources department. The company

recommends that the complaint be made in writing, but the complaint may also be made orally as well. Xanterra will investigate and seek to resolve the complaint through its “Open Door Policy and Employee Resolution Procedures,” which are described in Section 2.3 of this Handbook. Complaints will be handled confidentially to the extent practicable.

Xanterra prohibits harassment, sexual harassment, and conduct in violation of Xanterra’s EEO policy. Employees found to be responsible for harassment, sexual harassment, or violations of Xanterra’s EEO policy will be subject to corrective action, up to and including termination.

#### **2.2.4 Retaliation Prohibited**

The Company prohibits retaliation against those who report, oppose, or participate in an investigation of alleged violations of this policy. Participating in an investigation of alleged wrongdoing in the workplace includes:

1. Filing a complaint with a federal or state enforcement or administrative agency.
2. Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the company regarding alleged unlawful activity.
3. Testifying as a party, witness or accused regarding alleged unlawful activity.
4. Associating with another employee who is engaged in any of these activities.
5. Making or filing an internal complaint with the company regarding alleged unlawful activity.
6. Providing informal notice to the company regarding alleged unlawful activity.

The company strictly prohibits any adverse action or retaliation against an employee for participating in an investigation of alleged violation of this policy. If an employee feels that he or she is being retaliated against, the employee should immediately contact the employee's supervisor or Human Resources. In addition, if an employee observes retaliation by another employee, supervisor, manager or nonemployee, he or she should immediately report the incident to the individuals identified above.

Any employee determined to be responsible for violating this policy will be subject to appropriate corrective action, up to and including termination. Moreover, any employee, supervisor or manager who condones or ignores potential violations of this policy will be subject to appropriate corrective action, up to and including termination.

### **2.3 Open Door Policy and Employee Resolution Procedure**

Xanterra strives to create an environment that is safe, comfortable, and free from harassment, sexual harassment, and unlawful discrimination. If you believe there has been a violation of the EEO policy or harassment based on the protected classes outlined above, including sexual harassment, or if you have a work-related concern that needs resolution, please use the following complaint resolution procedure. Xanterra expects employees to make a timely complaint to enable the company to promptly investigate and correct any behavior that may be in violation of this policy. Such a report should be made to your supervisor or, if the incident involves your supervisor, to a senior manager, to a property Human Resources Manager, or Corporate Director of Human Resources. If you followed these steps and still feel that your concern has not been resolved, or you wish to remain anonymous, you may report your concern through the Employee Resolution Line by calling (877) 536-1114 or via the web at [www.xanterra.alertline.com](http://www.xanterra.alertline.com). For more information about the Employee Resolution Line, please refer to the workplace poster or contact Human Resources.

We describe Xanterra's EEO policy and its policies on harassment and sexual harassment in their respective sections in this Handbook. We define a "work-related concern," on the other hand, as dissatisfaction concerning conditions of employment or treatment by management, supervisors, or other employees that does not involve harassment, sexual harassment, or illegal discrimination. Examples of a work-related concern include:

- Application of company policies and procedures believed to be to the detriment of an employee.
- Treatment considered unfair by an employee.
- Improper or unfair administration of employee benefits or conditions of employment.

All complaints, issues, and concerns should be communicated in writing and should contain the following:

- A complete statement of the complaint, issue, or concern and the facts upon which it is based.
- The remedy or correction you are requesting.
- Your name and office location.

Employees must bring forward any issues as soon as they occur. Xanterra will investigate the matter and take appropriate corrective action. Your complaint will be kept as confidential as practicable. Xanterra discourages employees from making anonymous complaints, as these are difficult to investigate.

Xanterra prohibits retaliation against any employee for filing a complaint in good faith under this policy, or for assisting in any investigation of a complaint, issue, or concern. If you believe there has been a violation of our policy against retaliation, please follow the complaint procedure contained in this Section 2.3.

If Xanterra determines that an employee's behavior is in violation of this non-retaliation policy, appropriate corrective action will be taken, up to and including termination of employment.

## **2.4 Reasonable Accommodations for Disabilities, Pregnancy, and Religious Beliefs**

Xanterra will make reasonable accommodation for qualified individuals with known physical or mental disabilities or limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause undue hardship to the Company's operations or pose a direct threat to the health and safety of the employee or others. Xanterra also provides religious accommodation for employees whose work requirements interfere with a religious belief unless doing so would result in substantial increased costs to the Company.

If you need an accommodation, please contact Human Resources. The Company will engage in an interactive process with you to identify possible accommodations that will enable you to perform the essential functions of your job and can be provided without undue hardship or significant expense. Xanterra will provide reasonable accommodation in accordance with the federal Americans with Disabilities Act, federal Pregnant Workers Fairness Act, Title VII of the Civil Rights Act, and all other applicable federal, state, and local laws.

Xanterra prohibits any retaliation, harassment, or adverse action based on an employee's request for an accommodation under this policy or for reporting or participating in an investigation under this policy.

## 2.5 Confidentiality

As an employee of Xanterra, you are responsible for safeguarding all confidential information obtained in connection with your employment. Confidential information includes, but is not limited to:

- Information regarding any past, present, or prospective business opportunity or client (including National Park Service or other government or private entities).
- Company bids or proposals for new or continuing business.
- Nonpublic financial information.
- Company business plans, strategies, budgets, forecasts, operating policies and procedures.
- Personnel information such as social security numbers, health plan information, and other personal information.
- Company training materials.
- Operational information such as pricing, software, methods, designs, and trade secrets, which are secrets that provide Xanterra with a competitive advantage, such as standard operating procedures, Xanterra-developed technologies, and strategy documents.

Unauthorized access, use or disclosure of any confidential information is a breach of the terms of your employment with Xanterra. Unauthorized access, use or disclosure of this information may also result in legal action taken against you by the parties whose privacy rights are violated.

Upon hire, Xanterra employees are required to sign a Confidential Information Policy. Failure to abide by our confidentiality policies and the terms of the Confidential Information Policy may result in corrective action, up to and including immediate termination.

Nothing in this policy is intended to interfere with an employee's rights under the National Labor Relations Act to engage in protected concerted activity.

## 2.6 Conflicts of Interest

As an employee of Xanterra, you have a duty to conduct personal and financial business without creating any actual or potential conflicts of interest. A conflict of interest refers to a situation in which financial or personal interests or considerations may adversely affect, or have the appearance of adversely affecting, your professional judgment in the performance of your job duties and responsibilities.

Examples of conflict of interest situations include, but are not limited to, the following:

- Being employed by another business that is a competitor of Xanterra.
- Serving as a board member or director of a competing business.
- Misusing or disclosing information about Xanterra that is not public information.
- Accepting gifts or payments from an outside organization that might influence your independent judgment or performance of your job duties and responsibilities.
- Accepting or soliciting gifts from guests.
- You, your spouse, domestic partner, relative, significant other, friend or acquaintance owns or manages an entity that contracts or subcontracts with Xanterra.

If you have any questions whether a situation is a conflict of interest, please discuss the matter with your supervisor. If the matter remains unresolved, please contact your Human Resources Department or the Corporate Legal Department.

Upon hire, certain Xanterra employees are required to sign a Conflicts of Interest and Standards of Business Conduct Compliance Certification. Failure to abide by our Conflicts of Interest and Standards of Business Conduct policies may result in corrective action, up to and including immediate termination.

## **2.7 Environmental Responsibility**

Xanterra realizes that ultimately the well-being of our planet, as well as our own personal well-being, is dependent upon the continued health and natural systems. We believe that it is impossible for businesses to be economically sustainable without being ecologically stable. We are a company based upon values that reflect an environmental ethic for the long term. For more information about Xanterra's commitment to the environment, please contact your supervisor or property sustainability manager.

## **2.8 Ethics**

Taking action to prevent problems is part of Xanterra's culture. If you observe potentially unethical or illegal conduct, you are required to report your concerns. Under Xanterra's Open Door Policy, employees are to report to a supervisor, a senior manager, the property Human Resources department, or Corporate Director of Human Resources, any complaint relating to a violation of Xanterra's personnel policies or other work-related issue or concern.

However, if your concern or complaint relates to accounting, internal controls, auditing matters, potential fraud, possible misuse of Xanterra resources, or other serious legal or ethical violations, you are to report such complaints or concerns as follows:

- If you wish to protect an involved party's identity or the matter involves senior management or a corporate officer, you are expected to report your concern via the Employee Resolution Line by calling 877-536-1114 or by web [www.xanterra.alertline.com](http://www.xanterra.alertline.com). By submitting a report via the Employee Resolution Line, you will be addressing a third party from outside the company.
- If you are not making a complaint or concern anonymously and the matter does not involve senior management or a corporate officer, you are expected to report your complaint or concern to the Chief Financial Officer, Chief Legal Officer, or Chief Human Resources Officer.

Xanterra will treat all communications under this policy in a confidential manner, except to the extent necessary to conduct a complete and fair investigation or for review of company operations by an independent audit committee.

Any individual who in good faith reports a possible violation of the matters described in this policy, even if the report is mistaken, or who assists in the investigation of a reported violation, will be protected by the Company

from retaliation or discrimination as a result of that report or assistance, or as otherwise required by this Employee Handbook and applicable law.

Specifically, Xanterra will not discharge, demote, suspend, threaten, harass, or in any other manner discriminate against any employee in the terms and conditions of the employee's employment because of any lawful act done by that employee in good faith to either (a) provide information, cause information to be provided, or otherwise assist in any investigation regarding any conduct that the employee reasonably believes constitutes a violation of any law, rule, or regulation, or (b) file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or, to the employee's knowledge, about to be filed relating to an alleged violation of any such law, rule, or regulation.

Any act of retaliation or discrimination must be reported immediately as described in this policy. Retaliation or discrimination against individuals because they report complaints and concerns under this policy will not be tolerated.

## **2.9 Outside Employment**

Employees may hold outside jobs as long as they meet the performance standards of their jobs with Xanterra. If Xanterra determines that an employee's outside employment interferes with his or her job performance or his or her ability to meet Xanterra's requirements, the employee may be asked to terminate the outside employment in order to remain a Xanterra employee. Outside employment that constitutes a conflict of interest is prohibited.

## **2.10 Drug and Alcohol-Free Workplace**

Xanterra strives to maintain an environment for all employees that is free from the effects of drug and alcohol abuse. The Company is committed to taking all reasonable steps to establish and maintain a safe, healthy, and productive work environment for all employees, as well as our customers, and the public in general.

In furtherance of its commitment to maintain a drug and alcohol-free workplace, Xanterra has established separate Substance Abuse Policies. As provided by your property's Substance Abuse Policy, drug and alcohol testing is an integral part of the Company's efforts to ensure a safe and productive work environment, as well as training and education to assist our employees in understanding their responsibilities in achieving a drug-free workplace. Compliance with the policy is required as a condition of continued employment with the Company. For more information regarding Xanterra's Substance Abuse Policy and drug and alcohol testing programs, please contact Human Resources.

In accordance with the Drug-Free Workplace Act of 1988, Xanterra prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during Company time, on Company premises, or other work sites. Any employees who is convicted, or pleads guilty or no contest under a criminal drug statute for a violation occurring in the workplace must notify Xanterra within five days of the conviction or plea. Employees who violate any aspect of this policy may be subject to corrective action up to and including termination.

## 2.11 Employment Status

Xanterra maintains standard definitions of employment status and classifies employees for purposes of personnel administration and related payroll transactions according to the following definitions:

- **Full-Time Employee:** An employee who works in a year-round position and is regularly scheduled to work 30 or more hours per week, on average, and works at least 1,560 hours during a 12-month period. Length of employment is not limited to a season or finite period of time. Full-Time employees are eligible to participate in Company sponsored benefits as provided under the plans.
- **Part-Time Employee:** An employee who works in a year-round position and is reasonably expected to work less than 30 hours per week, on average, and whose length of employment is not limited to a season or finite period of time. Part-Time employees are eligible to participate in the Company's Minimum Essential Coverage ("MEC") medical plan only, and certain Company paid time off benefits.
- **Seasonal Employee:** An employee with an expected length of service of six (6) months or less at the time of hire or hired for a position that customarily has an annual employment of six months or less. Seasonal Employees are eligible to participate in the Company's Minimum Essential Coverage ("MEC") medical plan only (no other benefits).
- **Long-Term Seasonal ("LT Seasonal") Employee:** An employee with an expected length of service of more than six (6) months but with an anticipated termination date, who is regularly scheduled to work 30 or more hours per week on average. LT Seasonal Employees are eligible for health care coverage only (no other benefits), following the standard waiting period requirements.
- **Part-Time Seasonal Employee:** An Employee whose length of employment is limited to a season or finite period of time and expected to work less than 30 hours per week, on average. Part-Time Seasonal employees are eligible to participate in the Company's Minimum Essential Coverage ("MEC") medical plan only (no other benefits).
- **Intermittent Employee:** An employee who is hired to work sporadically as needed. These employees are not reasonably expected to have an average of 30 hours of credited service per week, nor expected to work on a regular basis. The expected number of hours worked or scheduled is unknown. Intermittent Employees are eligible to participate in the Company's Minimum Essential Coverage ("MEC") medical plan only (no other benefits).
- **Core Employee:** A Seasonal employee, a LT Seasonal employee, or an Intermittent employee who has worked at least 1,560 hours during a defined 12-month period, and who did not experience a break in service of 13 consecutive weeks or more is considered Core and is eligible to participate in Company benefits. An employee may not be hired as a new hire into Core status, but rather must "earn" the status based upon hours worked. A Core Employee who signs an agreement to return to work the following season may be placed on Seasonal Leave at the end of a season and will not experience a break in service for purposes of maintaining Core status and health care coverage eligibility as long as the employee returns to work in accordance with the approved date in the agreement. Core Employees must continue to work at least 1,560 hours during a defined 12-month period (inclusive of any Seasonal Leave as described above) to maintain eligibility for health care coverage.
- **Status Changes:** If an employee originally hired into a Seasonal, Part-Time, Part-Time or Long-Term Seasonal, or Intermittent position transfers to a Full-time position or earns Core status, health benefits are effective the first of the month following the standard waiting period, or the first of the month following the effective date of the status change if the employee has worked enough days to satisfy the standard

waiting period. Paid time off benefits are effective the first of the month following the effective date of the status change.

Employees are classified as either exempt or non-exempt for purposes of federal and state wage and hour laws as described below:

- **Exempt:** An employee who is exempt from the overtime provisions of federal and state wage and hour laws.
- **Non-Exempt:** An employee who is entitled to overtime pay under the specific provisions of federal and state wage and hour laws.

Employees are classified as either hourly or salaried for purposes of benefit eligibility as defined in Section 6.2 and as described below.

- **Salaried:** A salaried exempt employee is paid a fixed salary for all hours worked in a week and is exempt from overtime. A salaried non-exempt employee is paid for each hour worked and is eligible for overtime in accordance with the federal and state wage and hour law.
- **Hourly:** An employee who is paid an hourly wage for each hour worked. Work is paid at the overtime rate of pay for any overtime hours in accordance with the federal and stage wage and hour laws.

## 3.0 ON THE JOB WITH XANTERRA

### 3.1 Appearance Standards

The appearance of our employees forms a significant part of the impression created for our guests, clients, customers, and vendors. Therefore, your personal appearance and hygiene is vitally important and must be professional at all times. Individual departments may have other or additional guidelines dependent on job responsibilities. Guidelines may also differ between locations. Employees are expected and required to follow the guidelines for their location. Listed below are some general guidelines. Please refer to Section 9.1 of this Handbook for guidelines specific to your location:

- Hair should be clean, combed, well groomed, and neatly trimmed. Eccentric or extreme hair styles are not permitted. To meet appearance or safety standards, employees may be required to wear hair restraints.
- Sideburns, moustaches, and beards should be neatly trimmed and maintained at a conservative length as determined by the property and/or position. Eccentric or extreme facial hair is not permitted unless considered and approved as part of the employee's "uniform"/appearance for their position.
- Jewelry should be conservative in style and size and not excessive (as an example, multiple rings, bracelets, earrings, necklaces). Discreet body piercings are permitted at the discretion and approval of the property. Spacers, gauges and/or expanders are not permitted.
- Tattoos should not be visible. However if tattoos cannot be concealed the placement and content of the tattoo and the employee's position will be considered in determining approval.

- Clothing that reveals too much cleavage, your back, your chest, your stomach, or your underwear is not appropriate.
- Property employees are required to wear a nametag at all times while on duty.

Recognizing that employees, visitors and guests may have sensitivity or allergic reactions to fragrances, personal fragrant products (perfumes, colognes, lotions, after shave or similar fragrant products) that are perceptible to others should not be worn by employees in the workplace. Employees required by medical necessity to use medicinal lotions or skin creams that contain odors perceptible to others may request a reasonable accommodation from Human Resources. Any employee with a concern about scents or odors should contact Human Resources.

If an employee reports to work improperly dressed or groomed in the Company's opinion, the supervisor may instruct him or her to return home to correct the problem.

Employees who need a reasonable accommodation because of religious beliefs, observances or practices should contact Human Resources.

### **3.2 Attendance**

As a Xanterra employee, you are an integral part of the company. As such, you are expected to be at work and on time as scheduled. Excessive unexcused absenteeism and tardiness creates an undue burden on the company and will not be tolerated. Attendance policies and procedures may vary by location. Please refer to Section 9.2 of this Handbook for your locations' specific attendance policy.

The following will not be counted as an unexcused absences under this policy: scheduled absences approved in advance by your supervisor, approved leave without pay, paid holidays, approved bereavement leave, military leave, jury/witness duty, FMLA leave, Personal leave, reasonable accommodation as required by the Americans with Disabilities Act or applicable state law, or any other leave protected by federal or state law.

It is recognized that situations may arise that are not specifically addressed in this policy. In those situations, employees, supervisors and managers should contact their Human Resources Department.

### **3.3 Background Checks**

Xanterra conducts background checks as a means of promoting a safe work environment for current and future Xanterra employees. Background checks also allow Xanterra to obtain additional information that helps ensure the protection of the people, property, and information of the organization.

Xanterra uses a third-party agency to conduct criminal background checks. Xanterra has instructed this third party to collect background information on applicants and employees only in a manner that is consistent with the Federal Credit Reporting Act (FCRA) and applicable state law.

Xanterra conducts initial background checks on new employees and may conduct post-hire criminal checks on existing employees when permitted by applicable federal and state law. Initial background checks include local and national criminal checks, social security trace checks, and reference checks. Depending on the essential

job functions of the position or federal contractual requirements, initial background checks may include additional checks, such as drug testing, credit checks, DMV checks, and/or fingerprint searches.

Xanterra conducts DMV checks for employees hired or transferred into positions where driving is an essential job function or who must obtain rental cars during the course of conducting company business. DMV checks will be performed at time of hire as a condition of employment and annually thereafter.

Xanterra may conduct a credit check for employees hired or transferred into positions that involve financial responsibilities; cash handling; payroll or financial transactions; or access to personal, financial, or confidential information, where permitted by federal and applicable state law.

Xanterra will evaluate the results of background and credit checks using guidelines established by the Human Resources department. Unsatisfactory results of any background or credit check may result in an individual's application for employment being rejected, or if the individual is already employed by Xanterra, in the individual's immediate termination.

Background checks may be run periodically on any employee at the discretion of Xanterra and as permitted by law. Staffing agencies and contractors of Xanterra are responsible for conducting background checks for those individuals performing services for Xanterra. Staffing agencies and contractors must follow Xanterra's background check guidelines.

### **3.4 Company Property**

Xanterra may provide you with company property for your use in conducting Xanterra business. This property may include computer equipment (including laptop computers), software, cell phones, radios, pagers, calling cards, building and office keys, access cards, identification badges, parking or public transportation cards, permits, and company vehicles. Employees who have been provided with company property must return the property on or before their last day of employment. If an individual fails to return company property on his or her last day of employment, Xanterra may deduct the value of the property that was not returned from the individual's final paycheck where permitted by state law. If the value of the unreturned property is greater than the deduction from the employee's final paycheck, the individual will be responsible for reimbursing Xanterra for the difference. When state law prohibits the Company from deducting the value of property from the individual's final paycheck, the individual will be responsible for reimbursing Xanterra for the value of the property. Employees must also return all Xanterra data, including customer information.

All work done by employees for Xanterra is Xanterra property, and it too must remain with Xanterra when an employee separates from employment. Work done by employees for Xanterra includes any work done within the scope of Xanterra employment, on Xanterra time, and using Xanterra equipment, materials or property. During the course of your employment with Xanterra, you may develop or create work such as software, trade secrets, trademarks, inventions, designs, writings, art works or distinctive or unique procedures. Employees are responsible for communicating in writing all inventions made or conceived while employed by Xanterra to your supervisor and the legal department and any such inventions will be considered Xanterra property.

All offices, workspaces, desks, cabinets, computer equipment, communications systems, and other property and material provided by Xanterra to employees for use in their jobs is the sole property of Xanterra. To prevent loss, damage, or misuse of company property, as well as to provide a safe working environment, Xanterra reserves the right, as permitted by law, to conduct searches and inspections of all Xanterra property wherever it may be located, as well as to search and inspect personal property brought onto the premises by employees or others. As permitted by law, searches and inspections may be conducted at any time, with or without prior notice. An employee's work for Xanterra constitutes consent to such inspection and searches, and refusal to submit to any search or cooperate in any investigation may result in discipline, up to and including immediate termination.

Failure to abide by the company property policy may result in corrective action, up to and including immediate termination.

### **3.5 Corrective Action**

As a Xanterra employee, you are expected to meet the attendance, behavior, and performance expectations outlined for your position. We communicate general expectations regarding attendance and behaviors in this Handbook. Your supervisor will communicate specific expectations relative to your performance. Failure to meet any of these expectations may lead to a coaching and/or corrective action. Coaching is used to provide an employee with feedback, direction and support to achieve and sustain improved performance. If the problems identified in the coaching session continue, the employee may be subject to formal corrective action, up to and including the termination of employment.

Xanterra is not required to follow any set or established corrective action procedure to address an employee's attendance, behavior, or performance problems. What corrective action Xanterra chooses to follow will depend on the facts, nature and severity of the problem to be addressed. The purpose of corrective action is to encourage positive behavior and help improve employee performance. Corrective actions that may be imposed include, but are not limited to:

- Job Performance Discussion
- Written Action
- Termination

Xanterra reserves the right to exercise any or all of the corrective actions outlined above. Xanterra reserves the right to terminate an employee without taking any of the corrective actions outlined above. Copies of corrective actions are maintained in the employee's personnel file.

### **3.6 Employee Discounts**

Xanterra offers employees, their immediate family, and in some cases extended family and close friends, the opportunity to stay at Company owned and operated properties as guests and to purchase food and retail items at discounted rates. Employees may also be eligible for discounts at the location or property where they work. Discount policies vary by work site. For more information about employee discounts, please see Section 9 of this Handbook or contact Human Resources.

### **3.7 Information and Technology Responsible Use Policy**

Xanterra operates in a very competitive and regulated world. Information, and access to it, is one of Xanterra's most important assets, so Xanterra is taking the steps necessary to ensure its safety. Failure to protect information assets may cause irreparable damage to Xanterra, violate regulatory requirements, and erode public confidence in Xanterra's business activities. To safeguard Xanterra's competitiveness and ensure compliance with the rules and regulations that govern its business, Xanterra has established this Responsible Use Policy and separate policies on Acceptable Use and Data Security and Remote Access, both of which apply to all employees, consultants, agents, vendors, and representatives who have access to Xanterra's information assets. Upon hire and annually thereafter, employees are required to sign an acknowledgement of receipt and agreement to comply with the Acceptable Use and Data Security Policy and Remote Access Policy. Failure to abide by our Responsible Use, Data Security and Remote Access policies may result in corrective action up to and including immediate termination.

Your use of Xanterra information and communications systems is subject to monitoring and review and you should have no expectation of privacy in connection with that use. In sites where Xanterra has call center operations, employee telephone communications and screens are recorded and monitored for quality assurance purposes.

#### **3.7.1 Privacy and Confidentiality**

Xanterra employees are required to protect confidential information, which is any information that you learn, develop, or access during your employment at Xanterra that, based on reasonable business judgment, may be confidential. The following are examples of information that is confidential and must be protected:

- Information associated with individuals, including social security numbers, credit card numbers, and medical plan information.
- Pricing, customer lists, software, methods, and designs.
- Trade secrets, which essentially are secrets that provide Xanterra with a competitive advantage, such as standard operating procedures, Xanterra-developed technologies, and strategy documents.

Other information may be confidential as well. A good rule of thumb is to treat all confidential information you handle as if it were your own. To protect confidential information, you must:

- Use the greatest degree of care not to disclose confidential information to any person or entity, other than Xanterra employees who need to know it, unless your supervisor authorizes you to do so.
- Never use confidential information except as necessary for your job function.
- Never transfer confidential information to any device that Xanterra does not own or control without your supervisor's consent.

If you have, or your supervisor has, any questions about use, transfer, or disclosure of confidential information contact the Corporate Legal Department.

When you are traveling, do not discuss confidential information when you are in public places like hotel lobbies, restaurants, elevators, and airplanes. In addition, you must not review confidential information on a computer

screen or read a hard-copy report when you are in a public place. Finally, you must be careful not to reveal confidential information in voice mail or when using mobile communication devices.

You must protect confidential information indefinitely. That means during your tenure at Xanterra and after you leave the company.

### **3.7.2 Network and System Security**

Xanterra will grant you appropriate access based on your responsibilities. Your *ability* to access information on the network does not mean that you have the *right* to access it. Contact your IT Department if you believe that you have network access that is not necessary for your responsibilities. Your IT Department can answer any questions regarding access.

When you leave Xanterra, your manager will submit a request to promptly terminate all of your system privileges and access to Xanterra information. Former employees are not permitted to maintain any access to Xanterra, including e-mail or remote access. You must return all Xanterra data, including customer information. All work done by employees for Xanterra is Xanterra property, and it too must remain with Xanterra when employees depart. When you leave the company, you must also return all Xanterra equipment and systems that you have used to access information, including keys, laptops, cell phones, electronic access badges, and other physical assets.

To protect your password and user ID, do not share them with anyone. Choose a secure password with at least eight characters including upper and lower case letters, numbers and special characters. Do not post passwords in your work area or under your keyboard and never give your password to anyone for any reason. You are responsible for all activity that takes place with your user ID and password. You must notify the Help Desk immediately if you suspect that your user ID and password have been discovered or used by someone else.

When you log on to the Xanterra network, you must accept the terms and conditions of network use before you can access the systems, applications, and data held within the network.

When you are working remotely, you must have a demonstrable business need for such access. Remote access to Xanterra computers is granted at Xanterra's discretion. The company reserves the right to conduct unscheduled audits of users with remote access privileges, which could include visits to remote sites and/or reviews of the contents of a computer used to access Xanterra systems. In addition,

- If you must remove electronic information from Xanterra offices, you must encrypt the data.
- You must not remove printed copies of confidential information from Xanterra offices without approval of the local site manager or a more senior manager. Once you have obtained approval, you must treat this information with the highest standards of confidentiality.
- You must take all reasonable security precautions when you connect to Xanterra remotely via wired and wireless mobile networks

Protect licensed materials. You may not copy or use software unless you know that the license or other policy for the software permits it. You also may not make multiple copies of publications such as magazines, journals, and newsletters.

Xanterra uses only licensed software. It is illegal to bring in or download *unlicensed or personal software* and install it on your Xanterra computer. You must purchase and install all software through Xanterra's Information Technology department. If Xanterra finds unlicensed software on your company computer, it will be removed.

To preserve the licensing integrity of our systems, you must not install new or upgraded *operating systems or software* on Xanterra computers or other devices used to process Xanterra information. Finally, you must not use software licensed to Xanterra on your personal computer.

### **3.7.3 Personal Use**

Xanterra recognizes that employees may sometimes use Xanterra's information and communications systems for personal use. It is Xanterra's expectation that your personal usage of these systems will be limited and will not affect productivity; will not deny other users access to system resources; will not incur significant costs; and will not be used for unauthorized or inappropriate uses as outlined below. Employees using Xanterra's information and communications systems and business property for personal use do so at their own risk and should have no expectation that their personal communications and use are private and privileged. To ensure that Xanterra's information and communications systems and equipment are used only for legitimate business interests, Xanterra may monitor the use of such equipment from time to time, without prior notice. This may include listening to stored voicemails, monitoring e-mails you send and receive, reviewing the Web sites you visit, and examining your stored communications.

### **3.7.4 Unauthorized Use**

Using Xanterra's information and communications systems in any of the followings way is strictly prohibited and may result in corrective action, up to and including immediate termination:

- Sending, accessing, receiving, or storing materials that are discriminatory, harassing, or defamatory.
- Sending, accessing, receiving, or storing sexually explicit material on the Internet or e-mail system.
- Using Xanterra systems to send threatening or intimidating messages or hate speech.
- Using Xanterra systems to conduct illegal activities.
- Use of inappropriate language such as profanity, obscenities, or derogatory remarks in electronic communications.
- Installing personal software (including desktop themes and screen savers) on Xanterra-issued computers.
- Downloading, copying, or transmitting works of others in a manner that constitutes infringement under copyright laws.
- Transmitting or disclosing confidential Xanterra or client-related information to unauthorized individuals.
- Accessing or attempting unauthorized access of confidential information for personal use or reasons not directly related to Xanterra business.

- Emailing confidential data such as social security numbers or protected health information (PHI) to outside parties without utilizing Xanterra's secure email encryption system.

### **3.7.5 Acceptable Use of E-Mail**

As part of Xanterra's computer and communications systems, the e-mail system is the property of Xanterra and as such may be monitored by Xanterra. When conducting company business, employees must use Xanterra's e-mail systems and services. Employee may not use personal or Web-based e-mail systems including Yahoo, Gmail, or Microsoft HotMail for official business communications.

Employees must use extreme caution when opening e-mail attachments received from unknown senders. These attachments can contain viruses, malicious applications, or trojan horse programs that can compromise your computer, Xanterra's corporate systems, and the information that resides on these systems.

Do not share e-mail accounts, which, like user IDs, are assigned to specific individuals. If you are out of the office or are otherwise unable to check your mail for extended periods, you may forward your e-mail to another Xanterra employee or a supervisor. You must not, however, automatically forward your e-mail to addresses outside Xanterra. If an e-mail message contains confidential information, you must not forward it to another recipient unless you know that the recipient is authorized to view the information.

Employees must use Xanterra's secure email encryption system to send any confidential data to outside parties. Confidential email data that must be encrypted includes social security numbers, bank account information, credit card numbers, protected health information (PHI) and personally identifiable information (PII). Emails containing confidential data are subject to review and may be quarantined. If you have a business need to send confidential data via encrypted email, please contact your manager.

Creating or forwarding "chain letters" or pyramid schemes of any type is strictly prohibited. You must not send broadcast or mass e-mail messages unless you have obtained your department manager's approval. If you receive the unwanted junk e-mail known as "spam", do not open the message; instead, delete it immediately.

### **3.7.6 Acceptable Use of the Internet**

Access to the Internet is a privilege. Xanterra will supply Internet access beyond e-mail to employees when such access is required to perform the essential functions of your job. At the discretion of your manager, this access may be terminated at any time.

Xanterra actively manages Internet access, recognizing that the Internet can easily be misused by employees, people providing services, and external parties attempting to gain access to Xanterra from outside our network. For this reason, Xanterra reserves the right to monitor your activity and control access to unacceptable content and actively block Internet Web sites that are inappropriate for the workplace. Accessing pornography, gambling, hacking, audio and video streaming, and chat rooms, along with a range of other non-work related content areas is expressly prohibited and may result in corrective action up to and including discharge.

When using Xanterra systems, employees may not post to public discussion groups, blogs, or other public forums on the Internet without preauthorization from your manager. Xanterra reserves the right to remove any

Internet posting by a Xanterra employee made using Xanterra systems that management deems inappropriate and/or potentially damaging to the interests of the organization.

Employees are prohibited from sending any sensitive corporate information such as credit card numbers, telephone calling-card numbers, passwords, or confidential information through the Internet unless the connection is encrypted.

Employees must not misrepresent, obscure, suppress, or replace their own or another user's identity on the Internet using Xanterra's equipment or on any other Xanterra information system. In all instances, the user name, e-mail address, organizational affiliation, and related contact information must reflect the actual originator of a message or posting. The use of anonymous re-mailers or other identity-hiding mechanisms is strictly prohibited.

Nothing in this policy is intended to interfere with an employee's rights under the National Labor Relations Act to engage in protected concerted activity.

### **3.7.7 Physical Security**

Access to every office, computer room, and other Xanterra work areas, including home offices, containing confidential information is physically restricted to those people with a need to know. When not in use, confidential information must always be protected from unauthorized disclosure.

If you do not store information systems equipment used to handle Xanterra information in a locked area, you must employ anti-theft devices approved by the enterprise security department.

You must secure unattended equipment according to the following procedures:

- Secure system consoles and all PCs that can access confidential information with a password-protected screensaver that is enabled after 10 minutes of inactivity. Or you can log off the network whenever you leave your computer unattended for more than 10 minutes.
- Log off from network sessions; don't simply switch off your PC or terminal.
- Position your workstation screen so that unauthorized people can't look over your shoulder and see any confidential information displayed.
- Secure your laptop by using a security lock or placing it in a locked area when you're away from your desk for prolonged periods (overnight, vacations, etc.).

You must always lock hard-copy confidential information in a secure room or an appropriately secured container, such as a locked file cabinet or desk drawer, when you are not using it. After business hours when you are not present, you must make every reasonable effort to secure confidential information to prevent unauthorized access, including not leaving confidential information unattended on your desk.

If a printer, copier, or fax machine jams or malfunctions when you are printing confidential information, you must not leave the machine unattended until you have removed all copies of the confidential information or rendered it illegible.

You must dispose of all hard copies of confidential information by shredding, depositing the material in designated secure containers, or using other methods approved by the enterprise security department.

When you are printing confidential information, you must be present at the printer to receive the information as it prints. Or you may send the print job to a printer in an area to which only authorized personnel have access.

Failure to abide by Xanterra's Information and Technology Responsible Use Policy, Acceptable Use and Data Security Policy, or Remote Access Policy may result in corrective action, up to and including immediate termination.

### **3.8 Internal Transfers and Promotions**

In order to support career growth and development, it is our practice to consider our own employees when job vacancies occur and to promote from within whenever appropriate. In compliance with the Colorado Equal Pay for Equal Work Act ("EPEWA") effective January 1, 2021, promotional opportunities are posted electronically on the [Xanterra Internal Job Portal \(https://internal-xanterra.icims.com\)](https://internal-xanterra.icims.com). In support of pay transparency and in compliance with the EPEWA, promotional job postings include the salary (or salary range) and a general description of benefits and any bonuses or other compensation associated with the position.

Promotional opportunities are posted on the [Internal Job Portal](#) for a minimum of five business days and generally will remain posted until the position is filled. External recruiting may take place at the same time a job is posted internally. Internal applicants should apply by the internal application deadline (five business days from date of posting). Internal applicants may apply after the deadline; however, if they do, their applications may not be considered depending on the status of the recruitment process.

Internal applicants should be in good standing in their current position and have the qualifications for the position they are seeking. Eligibility requirements may vary by location. For more information about internal transfer and promotion opportunities, please contact Human Resources.

### **3.9 Workplace Investigations**

Xanterra may conduct internal workplace investigations as a result of any specific complaint relating to a violation of Xanterra's personnel policies or other work-related issue or concern. The Human Resources department is responsible for conducting any such workplace investigations, with the assistance of senior management team members in the office, if appropriate. Once an investigation is completed, the Human Resources department discusses the investigation results with the appropriate senior management members, who then determine whether corrective action is appropriate.

Individuals participating in an investigation, including witnesses, are to keep the matter confidential. Xanterra prohibits retaliation against any employee for participating in any investigation.

If, after investigating any workplace complaint, Xanterra determines that the complaint is not bona fide or that an employee has provided false information regarding the complaint, corrective action, up to and including termination, may be taken against the individual who filed the complaint or who gave the false information.

### **3.10 Nepotism/Relationships**

Xanterra permits the employment of individuals who are related to one another or involved in close, personal or romantic relationships as long as such employment does not, in the opinion of Xanterra, create actual or perceived conflicts of interest. We adhere to the following general guidelines:

- Individuals who are related to one another or involved in close, personal, or romantic relationship are permitted to work at the same property or location, provided no direct reporting or supervisory/management relationship exists.
- Employees who supervise, audit, or verify the work or money handled by a relative or someone with whom he/she is involved in a close, personal, or romantic relationship must disclose this to management or the Human Resources department so that the potential conflict can be appropriately addressed.
- Xanterra recognizes that at times, employees and their close friends, domestic partners, or significant others may be assigned to positions that create supervisor-subordinate relationships or conflicts of interest. Xanterra will exercise sound judgment with respect to the placement of employees in these situations in order to avoid the creation of a conflict of interest. Should such a relationship develop, it is the responsibility of the employees to report the relationship to management or the Human Resources department.

Nepotism guidelines may vary by location based on specific property circumstances. For more information, please see Human Resources.

### **3.11 Nursing Mothers**

Nursing mothers are provided reasonable break time to express milk for one (1) year after the child's birth. The time permitted will typically not exceed the normal time allowed for meal and rest breaks. If additional time is needed above and beyond normal meal and rest breaks, the employee and supervisor should agree upon a plan, which may include additional unpaid break time. The Company will provide a private space suitable for the purpose of expressing milk for employees working in the office.

Nursing mothers may be eligible for additional protections to the extent that state law provides greater rights or benefits than federal law or company policy. For more information on break time laws for nursing mothers specific to your state, please contact Human Resources.

### **3.12 Personnel Records**

Employee personnel files are maintained by the Human Resources department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Employee access to personnel files will generally be permitted if required under state law. Personnel files are to be reviewed in the Human Resource department. Personnel files may not be taken outside the department.

### **3.13 References and Verifications of Employment**

The Company has partnered with an Income and Employment Verification service called the Work Number. The Work Number provides income and employment verifications for employees applying for:

- Loans
- Home Mortgages
- New Job
- Rental applications
- Social Service benefits

Employees should refer verifiers to [www.theworknumber.com](http://www.theworknumber.com) or (800) 367-5690 for customer support/assistance. They will be required to register and obtain a login for the Work Number secure, self-service site. For more information on verifications of employment, please visit the [Verification of Employment page on Xpress](#).

### **3.14 Safety and Accident Reporting**

Xanterra is committed to providing a safe and comfortable working environment for all employees. Xanterra encourages you to be aware of your surroundings at work and report any potential unsafe conditions to your supervisor immediately. Weapons of any type are prohibited in all Xanterra offices. Following are some basic guidelines to follow regarding safety in the workplace:

- ♦ If you, a co-worker, or a customer is in imminent danger, call 911 immediately.
- ♦ If threats are made against you, a co-worker, or a customer, but the danger is not imminent, contact your supervisor immediately.
- ♦ If you are notified that a customer’s behavior or actions in the office may result in harm to co-workers or other customers, contact your supervisor immediately.

If an employee is injured on the job, Xanterra provides coverage and protections in accordance with workers’ compensation laws. For further information regarding workplace injuries, please refer to the “Workers’ Compensation” section of this Handbook.

### **3.15 Social Media**

The Company understands that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, Xanterra has developed Acceptable Use of Social Media guidelines for employees who use social media outlets such as blogs, chat rooms, wikis, and bulletin boards; social and professional networks such as Facebook, LinkedIn, Twitter, Tumblr and Instagram; and video-sharing sites such as YouTube and TikTok. If you participate in social media, please adhere to the following guidelines.

- Be respectful, fair and courteous to fellow employees, guests, vendors, or people who work on behalf of the Company. Keep in mind that you are more likely to resolve work-related concerns by speaking directly with your co-workers or by utilizing the Open Door Policy than by posting complaints to a social media outlet.
- You are personally responsible for the content you publish on a social media site. Social media postings are considered personal communications and are not company communications. Employees can be

held personally liable for their posts. For this reason, employees should exercise caution and be mindful that what you post online will be public for a long time.

- Express only your personal opinions. Do not represent yourself as a spokesperson for the Company. If the Company is the subject of the content you are creating, be clear that you are an employee of the Company and your views do not represent those of the Company.
- Postings by an employee concerning Xanterra are not prohibited provided they comply with Xanterra's policies and procedures, including the Harassment Free Workplace, Responsible Use of Information and Communications Systems policy, Confidentiality Policy, Conflicts of Interest Policy, Information and Property Protection Policy, and Ethics Policy. All of these policies apply to your online conduct as well as offline behavior. Make sure you are familiar with these policies.
- Be aware of your association with Xanterra on online social and professional networks. If you identify yourself as a Xanterra employee, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and clients.
- Do not disclose any sensitive, proprietary, confidential, or financial information about Xanterra, employees of Xanterra or any other affiliates of Xanterra.
- Do not use company logos, trademarks, or branding unless approved to do so by the Xanterra Marketing Department.
- Do not cite or reference clients, partners or suppliers without their advance approval.
- Respect your audience – do not post material that is obscene, defamatory, discriminatory, harassing, libelous, or threatening about the company, employees of the company, or any affiliates of the company.
- A social media site or network is not the appropriate place to make a complaint regarding alleged discrimination, unlawful harassment, ethical issues, or safety concerns. Such complaints should be made consistent with the complaint procedures outlined in this Handbook.
- Even if your social media activities take place completely outside of work, as your personal activities should, what you post online can have an influence on your ability to conduct your job responsibilities, your co-workers' abilities to do their jobs, and Xanterra's business interests. You should make sure that your online activities do not interfere with the performance of your job duties or your commitment to Xanterra and Xanterra's clients and customers.

Nothing in this policy is intended to interfere, restrain or prevent an employee's rights under the National Labor Relations Act to engage in protected concerted activity.

### **3.16 Solicitation and Distribution**

Employees are not permitted to solicit or distribute literature during working time on company property, except in break rooms and employee dining rooms during non-working hours, or as authorized by a General Manager or his/her designee, or a Corporate Director or Chief Human Resources Officer.

Persons not employed by the Company may not distribute literature or solicit others for any reason on Company premises.

### **3.17 Standards of Personal Conduct**

As a Xanterra employee, you are expected to demonstrate high standards of personal conduct that exemplify Xanterra's Twelve Values. The standards of personal conduct Xanterra expects from all of its employees include, but are not limited to:

- Treating co-workers, supervisors, managers, and guests with respect and in a manner that promotes a professional and positive work environment (profanity, arguments, physical intimidation, or disruptive behavior will not be tolerated).
- Treating customers in a manner that exceeds or meets their expectations.
- Arriving at work at the proper time and being ready to work.
- Using work time, break times, lunch times, vacation and sick leave responsibly and in accordance with established policies.
- Maintaining a professional and appropriate appearance.
- Documenting all company records, including but not limited to timesheets, reservation data, and expense reports accurately and honestly.
- Performing work in a safe and efficient manner.
- Treating company property and property of your co-workers with proper care.
- Maintaining workplace and work area cleanliness and orderliness.
- Using office equipment, computer and communications systems, supplies, work time, or other company property only for legitimate business purposes.
- Communicating, whether orally or in writing, in a manner that is professional, courteous, and respectful of the audience's time demands (the use of profanity or obscenities is expressly prohibited in all professional communications).
- Maintaining the confidentiality and integrity of customer and employee information.

As an employee, it is your responsibility to be aware of these standards and to ask your supervisor if you have questions. We've set these standards to ensure a productive and safe work environment that upholds the values of Xanterra. Failure to conduct work according to Xanterra's standards of conduct will result in corrective action, up to and including termination of employment.

### **3.18 Statements to the Media**

Communication with the media needs to be consistent, timely and professional. Therefore, we require that all official responses to media inquiries regarding the Company and its operation be made with authorization from the Chief Marketing Officer or designated representative. No employee, unless specifically designated by the Chief Marketing Officer or designated representative, is authorized to make or approve statements to the media on behalf of the Company. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the Company must first obtain approval from the Chief Marketing Officer or

designated representative. This policy does not prevent employees from speaking with the media, but they should not attempt to speak on behalf of the Company unless they have specifically been authorized to do so by the Chief Marketing Officer or designated representative.

### **3.19 Tobacco Free Workplace**

A tobacco-free environment helps create a safe and healthy workplace. Tobacco use, including cigarettes, e-cigarettes, vape pens and other inhalant devices, and chewing tobacco is prohibited in all Xanterra offices and facilities, except in specific designated smoking areas. For questions regarding designated smoking areas for your work location, please consult your supervisor or Human Resources.

### **3.20 Workplace Violence and Reporting Incidents**

Acts or threats of violence will not be tolerated on Xanterra property or while conducting business on behalf of Xanterra. Examples of prohibited conduct include, but are not limited to:

- Causing physical injury to another person.
- Making threatening, intimidating, or coercive gestures or statements, in verbal or written form.
- Aggressive or hostile behavior that creates a reasonable fear or injury to another person or subjects another person to emotional distress.
- Destruction or defacement of Xanterra property or the property of Xanterra co-workers, customers, or visitors.
- Possession of firearms, explosives, or any type of weapon while on Xanterra property, on Xanterra business, or while at Xanterra-sponsored events.

Employees should directly dial 911 if they believe there is a serious threat to the safety and health of others. If you are subjected to any of the behaviors listed in this section or if you witness any potentially violent situations, immediately report the incident to your supervisor or, if your supervisor is not available, to another manager. Management should then report the incident to the Risk Management Department and complete an Incident Report. If an employee is injured in the workplace, a worker's compensation claim should also be filed.

Although the Company does not expect employees to be skilled at identifying potentially dangerous situations or persons, employees are expected to exercise good judgment and to inform the HR, Risk, or Security department if any employee exhibits behavior that could be a sign of a potentially dangerous situation. Such behavior includes:

- Discussing weapons or bringing them to the workplace.
- Displaying overt signs of extreme stress, resentment, hostility, or anger.
- Making threatening remarks.
- Showing sudden or significant deterioration of performance.
- Displaying irrational or inappropriate behavior.

The Company conducts regular safety and security inspections to evaluate and determine any vulnerabilities to workplace violence. The Company also has an Active Shooter plan to provide employees with information on how to respond in an Active Shooter situation.

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to corrective action, up to and including termination.

## **4.0 TIME OFF AT XANTERRA**

### **4.1 Paid Time Off (PTO)**

The Company provides eligible employees with paid time off for rest and relaxation and to minimize the economic hardship that may result from short-term illness, injury, or other medical and safety needs. Salaried CRes employees with Full-time, Part-time or Core status are eligible for Paid Time Off (“PTO”). For information about CRes PTO benefits, please refer to Section 9.10.5 of this Handbook.

### **4.2 Sick and Vacation Pay**

Hourly employees are eligible for separate sick and vacation pay benefits. Seasonal employees may be eligible for sick pay benefits if they live and work in a state with mandated sick time. For information about the CRes sick pay benefits, please refer to Section 9.10.4 of this Handbook and for information about vacation pay benefits, please refer to Section 9.10.3 of this Handbook.

### **4.3 Holidays**

Full-time, Part-time, and Core employees who have been employed for more than thirty (30) days prior to an approved holiday are eligible for holiday pay. Seasonal and Intermittent employees are not eligible for holiday pay. Company-approved holidays may vary by location. For information about your location’s holiday policy, please refer to Section 9.10.2 of this Handbook or contact Human Resources.

Any holidays that fall on Saturdays will be observed on the preceding Fridays and any holidays that fall on Sundays will be observed on the following Mondays. Holiday pay is paid at the employee’s base rate of pay at the time of the holiday. Holiday hours are not considered hours worked in the computation of overtime. Scheduled holidays are not carried over to the following year and are not paid out upon termination.

Part-Time employees (classified as working an average of less than 30 hours per week), will receive Holiday Pay as follows:

- If you work on the Holiday, you will be paid regular pay for the hours worked or the routinely scheduled hours, whichever is greater, i.e. you normally work 8 hours on the recognized holiday, if you work 4 hours, you will receive 4 hours regular pay and 8 hours holiday pay.
- If you are routinely scheduled on the Holiday, but you have the day off (i.e. closed on Thanksgiving Day), you will be paid Holiday pay equal to the hours routinely scheduled.

- If you are routinely off on the Holiday, you will receive Holiday Pay equal to an average day, based upon the hours worked per week, i.e. you routinely work 24 hours per 5-day workweek,  $24/5 = 4.8$  hours.

## **4.4 Family and Medical Leave (FMLA Leave)**

### **4.4.1 Eligibility Requirements**

The Family and Medical Leave Act (FMLA) provides job-protected, unpaid leave to eligible employees. To be eligible, the employee must meet all the following conditions:

- The employee must have been employed at least 12 months at the time the leave commences; and
- The employee must have worked at least 1,250 hours during the 12 months immediately preceding the date of the leave; and
- The employee must work at a worksite where 50 or more employees are employed by the company within 75 miles of that worksite.

### **4.4.2 Entitlement to Leave**

Xanterra provides eligible employees up to 12 work weeks of unpaid, job-protected leave for certain family and medical reasons during a 12-month period. Xanterra's 12-month period is measured forward from the date the employee's first leave under this policy begins. FMLA leave may be taken for any one, or combination of, the following reasons:

- Incapacity due to pregnancy, prenatal medical care or childbirth.
- The birth of the employee's child and to bond with the newborn child.
- The placement with the employee of a child for adoption or foster care and to bond with the newly placed child.
- To care for the employee's immediate family member who has a serious health condition.
- A serious health condition that makes the employee unable to perform the functions of his or her job.

### **4.4.3 Military Family Leave Entitlements**

#### **4.4.3.1 Qualifying Exigency Leave**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include the following situations: 1) short-notice deployment; 2) military events and related activities; 3) urgent childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; 8) parental care for the parent of a military member who is incapable of self-care; and 9) any other activities to address other events which arise out of the military member's active duty or call to active duty status, provided the employer and employee agree to both the timing and duration of the leave.

#### 4.4.3.2 Military Caregiver Leave

Eligible employees who are the spouse, son, daughter, parent, or next of kin of a covered service member may also take up to 26 weeks of leave to care for a covered service member with a serious illness or injury during a single 12-month period, beginning on the first day the employee takes caregiver leave.

#### 4.4.4 Definitions

Xanterra's FMLA policy is written with reference to the FMLA and its implementing regulations issued by the U.S. Department of Labor (DOL). Following are key terms used in this policy as defined by the FMLA and DOL regulations.

A ***"covered service member"*** is either a current member of the Armed Forces, National Guard, or Reserves, who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A "covered veteran" is a veteran of the Armed Forces, National Guard, or Reserves who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

***"Immediate family member"*** includes an employees' spouse (opposite or same-sex), child or parent.

***"Key employee"*** means a salaried FMLA-eligible employee who is among the highest paid 10 percent of all employees employed by the Company within 75 miles of the employee's worksite and keeping the job open for the employee would result in substantial economic injury to Xanterra. A key employee may be denied reinstatement provided that Xanterra notifies the employee of its intent to deny reinstatement at the time economic hardship occurs and the employee elects not to return to work after receiving the notice.

For purposes of military caregiver leave, ***"next of kin"*** means the nearest blood relative, other than the service member's spouse, parent, son or daughter. Unless the service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave, next of kin is determined using the following order: 1) blood relatives who have legal custody of the covered service member by court decree or statute; 2) brothers and sisters; 3) grandparents; 4) aunts and uncles; 5) first cousins.

***"Parent"*** means a biological, adoptive, step or foster mother or father, or any other individual who *stood in loco parentis* to the employee when the employee was a son or daughter.

A ***"serious health condition"*** is an illness, injury, impairment, or physical or mental condition that involves (1) an overnight stay in a medical care facility; (2) continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities; (3) any period of incapacity due to pregnancy or prenatal care; (4) any period of incapacity due to a chronic health condition or long-term condition requiring treatment.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one visit and a regimen of continuing treatment.

A ***“serious injury or illness”*** means:

- In the case of a covered service member, one that was incurred in the line of duty on active duty or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty, and that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status, or is on the temporary disability retired list.
- In the case of a covered veteran, one that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran and is:
  - A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the services member’s office, grade, rank or rating; or
  - A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD of 50 percent or greater based, in whole or part, on the condition precipitating the need for military caregiver leave; or
  - A physical or mental condition that substantially impairs the veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
  - An injury, including psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Caregivers.

***“Son or daughter”*** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

***“Son or daughter of a covered service member”*** means a covered service member’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood *in loco parentis*, and who is of any age.

#### **4.4.5 Use of Leave**

- An employee may use FMLA leave in a single block of time or when medically necessary, intermittently or on a reduced leave schedule. If an employee takes leave intermittently or on a reduced work schedule basis, the employee must make reasonable efforts to schedule the leave so as to minimize disruption to Xanterra’s operations. Employees should work directly with their supervisors to determine appropriate times to take leave.
- Employees taking intermittent leave or reduced schedules may be required to transfer to another job with equivalent pay and benefits that better accommodates that type of leave.
- Leave due to qualifying exigencies may also be taken on an intermittent basis.

- For the birth, adoption or foster care of a child, intermittent leave shall not be available without the Company's consent. Leave that relates to the birth or placement for adoption or foster care of a child must be completed within 12 months of the birth or placement.
- A husband and wife who are both eligible for FMLA leave and are both employed by Xanterra are limited to a combined total of 12 work weeks of leave during a calendar year if the leave taken is (a) for the birth of the employees' child; (b) for the placement of a child for adoption or foster care; or (c) to care for the employees' parent with a serious health condition. If the employees need leave for any other FMLA-qualifying reason, each eligible employee is entitled to his or her full leave allotment of 12 work weeks under the FMLA.

#### **4.4.6 Benefits and Protections**

During FMLA leave, Xanterra maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of the insurance premium while on leave. If payment is not made in a timely manner, benefit coverage will be subject to termination. In some instances, if the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse Xanterra for payment of insurance premiums during leave.

Upon returning from FMLA leave, employees are restored to their original job, or to an equivalent job with equivalent pay, benefits, and terms and conditions, subject to the rules of the FMLA. Certain highly compensated employees (key employees) may have limited reinstatement rights. In addition, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. Reinstatement following FMLA leave may be denied under the following circumstances:

- If FMLA leave was fraudulently obtained.
- If the employee's position was eliminated or a lay-off occurred during the leave period.
- If the employee would have been terminated regardless of the FMLA leave taken.
- If the employee is a "key employee" as defined under the FMLA, and reinstatement would result in substantial and grievous injury to Xanterra operations.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leave, an employee on unpaid FMLA leave will not accrue or earn vacation or sick pay benefits while on leave. Employees are not eligible for holiday pay during any portion of unpaid FMLA leave. Bereavement or jury duty pay are not granted to employees while on FMLA leave.

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

Xanterra requires Salaried employees to use up to half their available PTO balance while taking FMLA leave. Hourly employees are required to use all available sick pay and half of available vacation pay while taking FMLA. FMLA leave is without pay after PTO or sick/vacation benefits are exhausted. If an employee is collecting workers' compensation or disability payment, PTO or sick/vacation pay may be used to supplement such payments.

#### **4.4.8 Employee Responsibilities**

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

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

To request leave under this policy, employees should submit a completed “Leave of Absence Request” form to Human Resources. Employees are also required to provide a certification from a health care provider and periodic recertification supporting the need for leave. Xanterra may require second and third medical opinions at Xanterra’s expense. Documentation confirming family relationship, adoption or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be delayed or denied. Certification forms must be submitted within 15 calendar days of requesting leave. Failure to submit a completed certification form or continued absence after denial of leave may result in corrective action up to and including termination.

Employees on leave must contact their manager and Human Resources at least two (2) business days before their first day of return. Managers must notify Human Resources when an employee returns from leave so the employee can be placed on active status for purposes of pay and benefits. In addition, employees returning from leave due to their own serious health condition must provide a Fitness for Duty certificate from their health care provider certifying the employee’s ability to perform the essential functions of their job before returning to work. Failure to provide this certificate may delay the employee’s reinstatement. For intermittent or reduced schedule leave, a Fitness for Duty certificate is not required for each absence. Failure to return to work at the expiration of leave may result in termination of employment due to job abandonment.

#### **4.4.9 Xanterra Responsibilities**

Xanterra’s Human Resources department will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employee’s rights and responsibilities. If they are not eligible, Xanterra’s Human Resources department will provide a reason for the ineligibility.

Xanterra’s Human Resources department will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If Xanterra’s Human Resources department determines that the leave is not FMLA-protected, Xanterra’s Human Resources department will notify the employee.

#### **4.4.10 Unlawful Acts**

FMLA makes it unlawful for Xanterra to:

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

## **4.5 Personal Leave**

### **4.5.1 Eligibility**

Employees may be eligible for up to eight (8) work weeks of unpaid leave within a 12-month calendar period. Personal leave must be taken in a single block of time. Except in emergencies, personal leave must be approved by your manager at least two weeks in advance. Personal leave is granted on a case-by-case basis, and only when the leave would not unduly disrupt Xanterra's business operations. When determining whether to approve a personal leave the following factors should be considered: the workload in the department and the impact the leave will have on the department, the number of other similar open positions; the employee's length of service, performance history and corrective action record; and the urgency of the situation prompting the leave request. If the employee takes the time away from work after the request for personal leave has been denied, termination of employment may result. If FMLA leave is applicable, it must be used instead of personal leave. Personal leave may not be combined with FMLA leave. Appropriate documentation will be required to support the need for a personal leave.

### **4.5.2 Benefits during Leave**

During a personal leave, Xanterra will maintain the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If payment is not made in a timely manner, benefit coverage will be subject to termination. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse Xanterra for payment of insurance premiums during leave.

Xanterra requires Salaried employees to use up to half their available PTO balance while taking personal leave. Hourly employees are required to use all available sick pay and half of available vacation pay while taking personal leave. Personal leave is without pay after PTO or sick/vacation benefits are exhausted. As with other types of unpaid leave, PTO or sick/vacation leave will not accrue during the unpaid personal leave. Holiday, bereavement, or jury duty pay are not granted to employees while on personal leave.

Personal leave is not job-protected leave. Xanterra will attempt to keep the employee's position open, however, business needs take priority and there is no guarantee of job reinstatement. In the event an employee's position is filled while on personal leave, the employee will be considered for any vacant position for which they are qualified along with other candidates.

### **4.5.3 Requesting Personal Leave**

All requests for personal leave should be submitted as soon as possible, but no later than two weeks prior to the beginning of the leave. To request leave under this policy, employees should submit a completed "Leave

of Absence Request” form to their manager. The manager is responsible for forwarding the request to the Human Resources. Employees may also be required to provide documentation supporting the need for leave.

#### **4.5.4 Return from Personal Leave**

Employees on leave must contact their manager at least two (2) business days before their first day of return. Managers must notify Human Resources when an employee returns from leave so the employee can be placed on active status for purposes of pay and benefits. Failure to return to work at the expiration of their leave may result in termination of employment due to job abandonment.

#### **4.6 Bereavement/Funeral Leave**

In the event of a death in an employee’s immediate family, employees may take up to three (3) consecutive work days off with pay for a death or funeral services occurring within a 300-mile radius of the employee’s primary work locations. For a death or service occurring outside of a 300-mile radius of the employee’s primary work location, an employee is provided with bereavement leave of up to five consecutive work days, provided the employee travels to the place of occurrence. Immediate family members are defined as an employee’s spouse, parents, stepparents, parents-in-law, children, stepchildren, siblings, brother-in-law/sister-in-law, grandparents and grandchildren. If additional time off is needed, or for funerals of near relatives or non-family members, employees may submit a request for PTO, vacation, or sick leave or leave without pay to their supervisor for approval. Xanterra may require verification of the need for leave.

#### **4.7 Jury Duty Leave**

Xanterra grants jury duty leave to employees who have been notified to serve in accordance with federal, state and local laws. Upon receipt of jury duty notice, you should immediately notify your supervisor. During jury duty, the employee is paid the difference between the daily jury fee and one (1) regularly scheduled shift at the employee’s regular base pay, up to a maximum of 80 hours. If the jury duty pay is greater than the employees’ regular base pay, no pay from the Company is due. The maximum leave of absence for jury duty is based on the length of time the employee is required to serve by the judicial body. Proof of jury duty is required. Employees are expected to report to work during hours or days their presence is not required on the jury panel. An employee who does not report to work when available will not receive pay for the day.

#### **4.8 Military Leave**

A military leave of absence will be granted to employees who are absent from work because of service in the armed forces, National Guard, or reserves in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state law. “Service” means performing military duty on a voluntary or involuntary basis, including active duty, duty for training, initial active duty for training, inactive duty training (such as drills), full-time National Guard duty, and absence for the purpose of a fitness exam.

Except in rare cases of military necessity where advance notice is impossible or unreasonable, employees are required to notify their immediate supervisor in advance about impending military service. We ask that employees provide such notice as soon as they have knowledge of upcoming military service. Notice may be either verbal or written; however, Xanterra requests that upon receipt of written orders, a copy of those orders be forwarded to the Human Resources department.

Military leave is unpaid. However, employees may use earned PTO, sick, or vacation pay during the leave. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible. We require employees on military leave for up to 30 days to return to work on the first regularly scheduled shift after the end of service, allowing reasonable time for travel. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

As required under USERRA and applicable state law, Xanterra will place employees returning from military leave in the positions they would have attained had they remained continuously employed or in comparable positions depending on the length of military service.

Employees returning from military service will not be entitled to reinstatement as described above if any of the following conditions exist:

- The employee fails to reapply for re-employment in a timely manner.
- Xanterra's circumstances have so changed as to make re-employment impossible or unreasonable.
- The employee was employed in a temporary position prior to his or her military service with no reasonable expectation that the employment would have continued indefinitely or for a significant period.
- The employee was discharged from military service for a disqualifying reason, such as a dishonorable discharge.

For important information regarding your rights to benefits coverage during a military leave, please contact Human Resources.

## **4.9 Voting**

On days when elections for public office are scheduled throughout the state, county, city, or town in which an employee works, Xanterra supervisors will adjust schedules as needed to ensure time off to vote in compliance with state law.

## **4.10 State Leave of Absence Laws**

Employees may be eligible for additional types of leaves of absence to the extent that a state law provides greater leave rights and benefits than federal law or company policy. For more information on leave laws specific to your state, please refer to the Addendum at the end of this Handbook.

# **5.0 PAYROLL AND TIME REPORTING**

## **5.1 Exempt Time Reporting**

Exempt employees are paid on a salary basis. This means that exempt employees are paid a predetermined amount of compensation each pay period on a weekly basis and do not receive overtime pay. Exempt

employees are required to work the hours that are necessary to perform the duties of their jobs; work in excess of 40 hours per week may be required.

Xanterra is committed to complying with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state laws and prohibits improper deductions from the salaries of exempt employees. Under the FLSA, the following deductions are permissible:

- Personal Absences: Xanterra may deduct for full day absences for personal reasons other than sickness or disability.
- Absences for illness or injury: Xanterra may deduct for full day absences due to illness or injury if bona fide sick pay/disability plans are in place providing compensation for salary lost due to illness or injury.
- Absences for FMLA leave: Xanterra may deduct for full day absences taken as FMLA leave and partial day absences for hours taken as intermittent or reduced schedule leave.
- Offsets: Xanterra may offset employees' pay for amounts received by the employee for jury duty, witness duty or military pay.
- Infractions of safety rules: Xanterra may deduct for penalties imposed when salaried employees violate safety rules of major significance.
- Infractions of workplace conduct rules: Xanterra may suspend exempt employees without pay in full day increments for infractions of written workplace conduct rules. This deduction is meant to cover only suspensions for "serious workplace misconduct" such as sexual harassment, workplace violence or drug and alcohol violations. For other types of infractions, exempt employees may only be suspended without pay in full week increments.
- First or last week of employment: Xanterra may make partial week payments during an employee's first or last weeks of employment if the employee does not work the full week.

Xanterra prohibits any deductions from the salaries of exempt employees except those identified above. If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor or to the Human Resources Department. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has been made, Xanterra will reimburse the employee for the appropriate amount. Xanterra prohibits retaliation against any employee who, in good faith, reports alleged violations of this policy or who participates in the investigation of such a report. An employee who retaliates against an individual for reporting alleged violations of this policy will be subject to corrective action, up to and including immediate termination.

## **5.2 Non-Exempt Time Reporting**

Non-exempt employees are paid on an hourly basis, and are expected to accurately record all hours worked (excluding bona fide meal periods) per day on their timesheets or electronic timecards.

Unless authorized by their supervisors, employees should not work any hours beyond their scheduled shifts. Employees should not start work early, finish work late, work during a meal break or perform any other extra hours of work unless (1) they are authorized to do so by their supervisors; and (2) that work time is recorded on their timesheets. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work employees perform but fail to report on their timesheets. Checking and responding to company emails, text messages and phone calls during off hours is considered "off-the-clock" work.

Employees who need to work overtime must obtain approval from their supervisors in advance. While an employee will be paid overtime as required by federal and state law, regardless of whether approval to work overtime was received, the employee will be counseled and, where appropriate, disciplined for such unauthorized overtime.

For purposes of calculating overtime, Xanterra's established "workweek" begins at 12:01 a.m. on Thursday and ends at 12:00 midnight on Wednesday. Paid time off for holidays, vacation, and sick leave do not count as hours worked for purposes of calculating overtime.

All non-exempt employees must submit a timesheet in order to receive a paycheck. Each timesheet must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures, unpaid meal periods, holidays, leave, vacation, and sick leave. It is unacceptable for any employee to inaccurately report hours worked on a timesheet, or to alter another employee's timesheet.

If you believe there are any errors in your pay, including that you have been overpaid or underpaid, that improper deductions have been taken from your pay or that your pay does not accurately reflect all hours worked, including overtime, you must report your concerns to Human Resources immediately. The Company will promptly investigate all reported complaints and, if appropriate, take corrective action.

Xanterra prohibits and will not tolerate retaliation against any employee because that employee filed a good faith complaint under this policy. Specifically, no one will be denied employment, promotion or any other benefit of employment or be subjected to any adverse employment action based on that person's good faith complaint. In addition, no one will be disciplined, intimidated or otherwise retaliated against because that person exercised rights under this policy or applicable law.

### **5.2.1 Recording Travel Time**

All non-exempt employees shall record travel time as outlined in this policy and shall be compensated for travel time in accordance with the federal Fair Labor Standards Act and applicable state law. The following guidelines are based on federal law. Where state law differs from federal law, the law that provides the greater protection to the employee will apply.

Home to Work Travel - Time spent traveling between home and work before the regular workday and at the end of the workday is ordinary commuting time which is not considered work time. Home to work travel is not compensable, even if you are required to report to work at various job sites, and should not be recorded as hours worked on your timesheet.

Site to Site Travel during the Workday - Time spent traveling from job site to job site during the workday is considered work time and should be recorded as hours worked on your timesheet.

Special One-day Assignment – If an employee who regularly works at a fixed location in one city is given a special one-day assignment in another city, with no overnight stay required, the time spent traveling is compensable, except for the time that would normally be spent traveling from home to the regular work site and meal periods. Travel between your home and the airport or other public transportation terminal is normal home to work travel and is not counted as hours worked, unless the airport or other public transportation terminal is further from your home than the usual place of work, in which case you will be compensated for the difference in time.

Overnight travel - Travel which keeps you away from home overnight is considered work time when it occurs during your regular working hours. Time spent traveling during regular working hours is considered work time even if it occurs on a non-working day, such as Saturday or Sunday. Time spent in travel away from home outside of your regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered work time, unless you are required to perform work while traveling.

### **5.3 Paydays**

Employees are paid biweekly (every other Wednesday), resulting in 26 pay periods per year. If a pay date falls on a standard Xanterra holiday, pay will be distributed on the holiday or one workday prior to the holiday.

Xanterra encourages all employees to enroll in direct deposit to ensure prompt delivery of your paycheck. This method ensures that your paycheck is automatically available for immediate use each payday and eliminates the possibility of delayed mail delivery or misplaced checks. To enroll in direct deposit, please complete a Direct Deposit Authorization and submit your completed form to the Human Resources department. For those employees not enrolled in direct deposit, physical paychecks are either distributed at the work location or mailed to your home address via regular mail delivery.

Employees should review their pay information every pay period to make sure the pay information is correct. Pay statements are available electronically via XanterraGO, Xanterra's online Employee Self-Service system. If an employee believes a mistake has occurred or if the employee has any questions about pay, he or she should immediately discuss the issue with the Human Resources/Payroll Department.

## **6.0 COMPENSATION AND BENEFITS**

Xanterra's compensation philosophy encompasses the following:

- ♦ Attract, retain, and motivate a qualified workforce by providing competitive base pay within relevant markets and available resources.
- ♦ Emphasize and encourage excellence by rewarding individual and group contributions, including performance that supports Xanterra's mission and values.

Supervisors follow the guidelines outlined by Human Resources when making determinations with respect to compensation actions. These guidelines cover salary considerations for both new hires and existing employees who undergo a change in status (due to promotions, transfers, etc.). Compensation decisions are within the sole discretion of Xanterra.

## **6.1 Performance Reviews**

Xanterra has instituted a Performance Appraisal tool to evaluate employees in a fair, non-discriminatory manner based on demonstrated job performance, behaviors, and attendance.

Under usual and appropriate circumstances, full-time employees should receive a performance review annually. Employees may also receive periodic performance feedback via a “How’s It Going” (HIG) form.

If you have not received formal feedback regarding your performance in more than one year, please contact your Supervisor or the Human Resources Department.

## **6.2 Benefits Eligibility**

Subject to the terms, conditions, and limitations of the applicable plans, all Full-time and Core employees who work at least 1,560 hours in a 12-month period are eligible to participate in the benefit plans Xanterra offers. Long-term Seasonal employees are eligible to participate in health care coverage only. Part-time, Seasonal, and Intermittent employees are eligible to participate in the Minimum Essential Coverage (“MEC”) medical plan only. Human Resources must receive your enrollment within 30 days from benefit eligibility date. Enrollment is completed online via the [Xanterra Employee Benefits Portal](#).

If you are a salaried employee, your benefits become effective on the first day of the month following your hire date. If you are hired on the first of the month, your benefits become effective on the first day of the following month. For example, if you are hired on June 1, your benefits are effective July 1. If you are an hourly employee, your benefits become effective on the first day of the month following 60 days of employment. Part-time employees are eligible for pro-rated vacation and holiday pay benefits.

Eligible dependents include:

- Your legal spouse (including same-sex spouse).
- Your children up to age 26 (including stepchildren, foster children, legally adopted children and children placed with you for adoption).
- Your dependent children over age 26 who are medically certified as disabled.

If there is any conflict between the description of benefits in this Handbook or the Benefits Guide, and the plan documents applicable to such benefits, we will apply the terms of the applicable plan document. You should send any questions regarding benefits and requests for plan documents to Human Resources.

## **6.3 Employee Assistance Program**

The EAP is a confidential counseling program available to all Xanterra employees 24/7/365 to help them and/or their family members with personal issues that may be affecting their work performance, family

situations, or other aspects of their lives. For more information on the EAP, please see Human Resources or contact the EAP directly at 888-293-6948 or visit EAP Online at: <https://healthadvocate.com/standard3>.

Employees are also eligible for additional wellness resources through WEconnect, a free smartphone app that offers confidential, judgment-free support for mental health, quality of life, and/or substance misuse concerns. Please contact Human Resources for more information on how to access this resource.

## **6.4 Workers' Compensation**

As required by state law, workers' compensation benefits are provided to you in the event you are injured during the performance of your job duties. You should immediately report any accident, injury, or illness that may be work-related, no matter how insignificant, to your supervisor. Such reports are necessary to comply with laws, to ensure you receive prompt treatment for the injury or illness, and to initiate insurance and workers' compensation benefits procedures.

## **7.0 LEAVING XANTERRA**

### **7.1 Benefits**

Your benefit coverage terminates at midnight on the last day of the month in which your employment terminates. Information on continuing your benefits through COBRA will be mailed to your home address on file with Xanterra approximately 2 -3 weeks following your termination date.

### **7.2 Company Property**

Xanterra may provide you with company property for your use in conducting Xanterra business (see Section 3.4). Employees who have been provided with company property must return the property on or before their last day of employment. If you fail to return company property on your last day of employment, Xanterra may deduct the value of the property that was not returned from your final paycheck as permitted by federal and applicable state law. If the value of the unreturned property is greater than the deduction from your final paycheck, you will be responsible for reimbursing Xanterra for the difference.

### **7.3 Final Paychecks**

Xanterra distributes final paychecks in accordance with the employment laws of the state in which you work. Final paychecks will be either direct deposited or a physical check mailed to your home address on record with Human Resources or hand delivered to you on your final day of work. Final checks will include hours reported on your final timesheet or timecard, as well as any available vacation pay as required by state law. Xanterra will make deductions for any outstanding pay advances, benefit deductions, and/or premiums, and/or other monies owed to Xanterra where permitted by state law.

### **7.4 Resignation**

In a voluntary resignation, Xanterra requests that you provide your supervisor with written notice two weeks in advance of the effective date as a courtesy to the Company. Advance notice is voluntary, and the Company reserves the right to accept your resignation effective immediately. Employees who voluntarily resign will receive an email invitation to complete an online exit survey.

## **7.5 Eligibility for Rehire**

Employees with a satisfactory work record while employed will be considered eligible for rehire. Former employees who had a less-than-satisfactory work record or were involuntarily terminated may not be considered eligible for rehire. If an employee is rehired, the employee will be considered a new employee and will not be eligible for prior service recognition for purposes of seniority or benefits.

## **8.0 STATE LAW ADDENDUM**

### **8.1 Colorado Family Care Act Leave**

Xanterra provides up to 12 weeks of unpaid leave to eligible employees in Colorado to care for their partners in a civil union or domestic partnership, who have serious health conditions. Generally, leave under the Colorado Family Care Act is administered consistent with FMLA regulations. Contact Human Resources if you need family care leave.

### **8.2 Colorado Domestic Abuse Leave**

Employees subject to domestic abuse may be eligible for a leave of absence. Please see Human Resources for more information.

### **8.3 Colorado Meal and Rest Periods**

Hourly employees are entitled to an uninterrupted and duty-free meal period of at least thirty (30) minutes for every shift that exceeds five (5) consecutive hours of work. Duty-free meal periods are unpaid. Hourly employees may also take a paid ten (10) minute rest period for each four (4) hours worked. Rest periods should be taken in the middle of each four (4) hour work period insofar as practicable.

Employees scheduled to complete a shift in six (6) hours or less will be offered the option of a duty-free meal period of at least thirty (30) minutes or the option of one paid fifteen (15) minute break and one unpaid fifteen (15) minute break.

### **8.4 Colorado Workplace Accommodations for Nursing Mothers Act**

A nursing mother will be provided reasonable break time to express breast milk for her nursing child for up to two (2) years after the child's birth. The Company will make reasonable efforts to provide a room, other than a bathroom stall, where an employee can express breast milk in privacy.

### **8.5 Colorado Pregnancy Accommodation Act**

Employees and applicants have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. Upon request from an employee or applicant, the Company will provide reasonable accommodations to perform the essential functions of the job for health conditions related to pregnancy or the physical recovery from childbirth, unless the accommodation would impose an undue hardship. If an employee or applicant requests an accommodation, the Company will engage in a timely, good-faith, and interactive process to determine

effective, reasonable accommodations for the employee or applicant. The Company may require an employee or applicant to provide medical documentation stating the necessity of a reasonable accommodation from a licensed health care provider before providing such accommodation. If you need an accommodation, please contact Human Resources.

The Company prohibits retaliation against an employee who requests or uses a reasonable accommodation related to pregnancy, or the physical recovery from childbirth. The Company will not deny employees or applicants employment opportunities based on the need for a reasonable accommodation, nor will the Company require an employee or applicant to accept an unnecessary accommodation or take leave if another accommodation can be provided.

## **8.6 Colorado Healthy Families and Workplaces Act**

Effective January 1, 2021 employees are eligible for paid sick and safe time (see Section 9.11.5) and up to 80 hours of supplemental leave in a public health emergency (“PHE”), until 4 weeks after the PHE ends. In a PHE, employees can use supplemental PHE leave for the following reasons:

1. To self-isolate (or care for a family member who is self-isolating) due to the employee (or family member) being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency;
2. To seek or obtain (or care for a family member needing) medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency;
3. To seek for oneself (or care for a family member needing) preventive care concerning a communicable illness that is the cause of a public health emergency; or
4. If the employee is excluded from work or has to care for a family member who’s excluded from work, by a government health official, or by an employer, due to the employee or the employee’s family member having exposure to, or symptoms of, such an illness (whether or not they are actually diagnosed with the illness);
5. Being unable to work due to a health condition that may increase susceptibility or risk of such an illness; or
6. To care for a child or other family member whose school, child care provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency.

PHE supplemental leave may be taken prior to using accrued paid sick and safe time in accordance with Section 9.11.5. Unused PHE leave is not paid out upon termination from the Company.

## 8.7 Colorado Overtime & Minimum Pay Standards Order #38 Poster (“COMPS Order”)



**COLORADO**  
Department of  
Labor and Employment

### COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER (“COMPS Order”) #38, POSTER & NOTICE

*Effective 1/1/23; must update annually;  
new poster available each mid-December*

#### Colorado Minimum Wage: \$13.65/hour, or \$10.63 for Tipped Employees, in 2023 (Rule 3)

- The minimum wage is adjusted each year for inflation, so the above amounts are for only 2023
- All employees must be paid at least the minimum wage (unless exempt in Rule 2), whether paid hourly or another way (salary, commission, piecework, etc.), except unemancipated minors can be paid 15% under full minimum wage
- Use the highest standard if other labor laws also apply, such as Denver’s minimum wage (\$17.29 in 2023)

#### Overtime: 1½ times regular pay rates for hours over 40 weekly, 12 daily, or 12 consecutive (Rule 4)

- Overtime is required *each* week over 40 hours, or day over 12, even if 2 or more weeks or days *average* fewer hours
- Employers cannot provide time off (“comp time”) instead of time-and-a-half premium pay for overtime hours
- Key variances/exemptions (all are detailed in Rules 2.3-2.4):
  - Modified overtime in a small number of health care jobs; exemption for certain heavy vehicle drivers
  - No 40-hour weekly overtime in downhill ski/snowboard jobs (but 56-hour overtime for many under federal law)
  - Agriculture, as of 11/1/22: overtime after 60 hours; half-hour paid break in days over 12 hours, extra pay if over 15

#### Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours (Rule 1.9)

- Can be unpaid, but only if employees are completely relieved of all duties, and allowed to pursue personal activities
- If work makes uninterrupted meal periods impractical, eating on-duty must be permitted, and the time must be paid
- To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts

#### Rest Periods: 10 minutes, paid, every 4 hours (Rule 5.2)

#Work Hours:	Up to 2	>2, up to 6	>6, up to 10	>10, up to 14	>14, up to 18	>18, up to 22	>22
#Rest Periods:	0	1	2	3	4	5	6

- Need not be off-site, but must not include work, and should be in the middle of the 4 hours to the extent practical
- Rest periods are time worked for minimum wage and overtime purposes, and if employers do not authorize and permit rest periods, they must pay extra for time that would have been rest periods, including for non-hourly-paid employees
- Key variances/exemptions:
  - In some circumstances, 10-minute rest periods can be divided into two of 5 minutes (Rule 5.2.1)
  - Agriculture: certain work requires more breaks; other is exempt (Rule 2.3, & Agricultural Labor Conditions Rules)

#### Time Worked: Pay for time employers allow performing labor/service for their benefit (Rule 1.9)

- All time on-premises, on duty, or at workplaces (but not just letting off-duty employees be on-premises), including:
  - putting on/removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-clock duty,
  - waiting for assignments at work, or receiving or sharing work-related information,
  - security/safety screening, or clocking/checking in or out, or
  - waiting for any of the above tasks.
- Travel for employer benefit is time worked; normal home/work travel is not (details in Rule 1.9.2)
- Sleep time, if sufficiently uninterrupted and lengthy, can be excluded in certain situations (details in Rule 1.9.3).

#### Deductions, Credits, Charges, & Withheld Pay (Rule 6, and Article 4 of C.R.S. Title 8)

- Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)
- Vacation pay: Departing employees must be paid all accrued and unused vacation pay, including paid time off usable for vacation, without deducting or declaring forfeiture based on cause for termination, lack of resignation notice, etc.
- Deductions from pay: Allowed if listed below or in C.R.S. 8-4-105 (including deductions required by law, in a written agreement for the benefit of the employee, for theft in a police report, or for property loss after audit/notice)
- Tip credits: Employers can pay up to \$3.02 under minimum wage (\$10.63 in 2023, or \$14.27 in Denver), if: (a) tips (not mandatory service charges) raise pay to full minimum, & (b) tips aren’t diverted to non-tipped staff/owners
- Meal credits/deductions: Allowed for the cost or value (without employer profit) of voluntarily accepted meals
- Lodging credits/deductions: Allowed if housing is voluntarily accepted by the employee, primarily for the employee’s (not the employer’s) benefit, recorded in writing, and limited to \$25 or \$100 per week (based on housing type)
- Uniforms: Must be provided at no cost unless they are ordinary clothes without special material or design; employers must pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear

#### Exemptions from COMPS (Rule 2.2 lists all; key exemptions are below)

- Executives/supervisors, administrators, and professionals paid at least a salary (not hourly wages) of \$50,000 in 2023 (\$55,000 in 2024, then inflation-adjusted), except \$31.41/hour for highly technical computer work
- Other highly compensated, non-manual-labor employees paid at least 2.25 the above salary (\$112,500 in 2023)
- 20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management
- Various (not all) types of salespersons, taxi drivers, camp/outdoor education field staff, or property managers

#### Record-Keeping & Notices of Rights (Rule 7)

- Employers must give all employees (and keep for three years) pay statements that include time worked, pay rate (including any tips and credits), and total pay
- This year’s poster must be displayed where easily accessible, or if not practical (such as for remote workers), provided within one month of beginning work and when employees request a copy
- Employers must include a copy of this poster, or a COMPS Order, in any employment handbook or manual
- Violation of notice of rights rules (posting or distribution), including by providing information undercutting this poster, may yield fines and/or ineligibility for employee-specific credits, deductions, or exemptions in COMPS

#### Complaint & Anti-Retaliation Rights (Rule 8)

- Employees can send the Division (contact info below) complaints or tips about violations, or file lawsuits in court
- Employers cannot retaliate against, or interfere with, employees exercising their rights
- Anonymous tips are accepted; anonymity or confidentiality are protected if requested (Wage Protection Rule 4.7)
- Owners and other individuals with control over work may be liable for certain violations — not just the business, even if the business is a corporation, partnership, or other entity separate from its owner(s) (Rule 1.6)
- Immigration status is irrelevant to these labor rights: the Division will not ask or report status in investigations or rulings, and it is illegal for anyone to use immigration status to interfere with these rights (Wage Protection Rule 4.8)

***This Poster is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, contact: DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cdle\_labor\_standards@state.co.us, 303-318-8441 / 888-390-7936***

To view the Poster in your browser, click here: [Colorado Overtime & Minimum Pay Standards #38 Poster](#)

## 8.8 Colorado Family and Medical Leave Insurance (FAMLI)

Family and Medical Leave Insurance (FAMLI) is a state-mandated insurance program designed to provide eligible employees with paid family and medical leave up to 12 weeks, plus an additional four weeks in the event a mother experiences pregnancy or childbirth complications. Eligible employees may take FAMLI leave for one, or any combination of, the following reasons:

- To care for a new child, including adopted and fostered children
- To care for themselves, if they have a serious health condition
- To care for a family member with a serious health condition
- To make arrangements for a family member’s military deployment
- To address the immediate safety needs and impact of domestic violence and/or sexual assault.

The FAMLI program is funded through premiums paid by both employees and employers. The program is administered by the FAMLI Division of the Colorado Department of Labor and Employment (CDLE). Starting January 1, 2023, employers must begin collecting employee premiums to fund the program. For 2023, the total premium is 0.9% of each employee's gross wages, with 0.45% paid by the employer and 0.45% paid by the employee. Premiums will be deducted from employee paychecks starting in January 2023.

Starting in January 2024, employees who have earned \$2,500 in wages over the previous year for work performed in Colorado will be eligible to apply for paid FAMLI leave. Employees will apply for benefits with the CDLE. While on leave, the CDLE pays benefits directly to the employee. The amount an employee receives is a percentage of the employee's weekly wages, up to a maximum weekly benefit of \$1,100.

For more information about the FAMLI program, visit the [Colorado FAMLI website](#).

## **8.9 Additional Remote Work States**

If you are a remote employee who lives and works outside of Colorado, the Company will comply with the employment and labor laws specific to your work state. Where state law differs from federal law, the law that provides the greater protection to the employee will apply. For information about labor laws specific to your state, please visit the electronic labor law poster page on [Xpress](#) or contact Human Resources..

## **9.0 WORKING AT DENVER CENTRAL RESERVATIONS (CRES)**

### **9.1 Appearance Standards**

At Xanterra, personal appearance, hygiene, and attire are important whether working remotely or in the office. The following guidelines are in addition to the standards established in Section 3.1 and specific to the CRES remote work environment.

- Casual dress is acceptable. Casual attire includes t-shirts, sweatpants, sweatshirts, shorts, active-wear pants, baseball caps, and hats.
- If you are conducting a video call, wear clothing appropriate to a casual work environment.
- Any attire that is ripped, torn, tattered, or has holes is considered unacceptable at all times.
- Software profile pictures should be professional.

Traditional business attire or business casual attire may be more appropriate when working in the Corporate office, meeting with visitors or guests, or meeting via video conferencing. If an employee reports to work improperly dressed or groomed in the Company's opinion, the supervisor may instruct them to correct the problem without pay. The employee may return to work in the same day if appearance standards are deemed acceptable.

Employees who need a reasonable accommodation because of religious beliefs, observances or practices should contact Human Resources.

## 9.2 Attendance

The success and smooth operation of our business depends to a great extent on you being at work on time each day you are scheduled. Unscheduled absences can create an undue burden on your fellow employees and result in reduced customer service levels for our guests and reduced revenue if those guests choose not to wait or call back. As a result, excessive absenteeism or tardiness is not tolerated and will result in corrective action, up to and including termination. We follow and enforce this attendance policy to ensure that the CRes team is productive and our guests receive excellent service.

### 9.2.1 Attendance Guidelines

Tardiness, Absenteeism, and Schedule Adherence will be recorded using the following definitions and guidelines:

#### 9.2.1.1 Tardiness

1. An employee is considered TARDY if he/she is not logged in to the phone system and in an AVAILABLE status after their allocated time for “log in” time, break, or lunch has ended.
2. Tardiness encompasses start of shift tardiness, as well as break and lunch tardiness.
3. When you need to punch in or punch out (e.g. for lunch), the time on the time clock is the time that counts! We recommend you set your watch/clock to the time on your PC to avoid tardiness issues.
4. All CRes Agents are allowed to clock in up to 5 minutes before the start of their scheduled shift. This time is paid, and gives an employee time to prepare for their upcoming shift.
5. All CRes Agents will be scheduled for 10 minutes of “log in” time at the start of their scheduled shift. This time is paid, and gives an employee time to prepare for their upcoming shift. This includes logging into all applicable programs and systems, ready daily updates, emails, IM messages etc

#### 9.2.1.2 Absenteeism

1. An employee is considered ABSENT if he/she does not report for work or fails to work a complete shift by more than 50% of scheduled shift.
2. An employee is considered to have an INCOMPLETE SHIFT if he/she fails to work a complete shift, of up to 50% of scheduled shift or less.
3. NO CALL/NO SHOW: Failure to call or report your absence within no more than 30 minutes after the start of your shift. Two consecutive no call/no shows will be considered job abandonment and grounds for termination.

#### 9.2.1.3 Schedule Adherence

1. Schedule adherence is a numerical representation of how well an agent is adhering to their schedule. This includes but limited to;
  - a. **Open Time.** Adhering to the amount of time an Agent is scheduled to be open and available to take calls/emails/chats etc.
  - b. **Productive Time.** Adhering to the amount of time an Agent is scheduled to be in a productive exception (e.g. Agent Projects)
  - c. **Development Time.** Adhering to the amount of time an Agent is scheduled to be in a development exception (e.g. Training, Coaching, and Meetings)

- d. **Unproductive Time.** Agents should be limiting the amount of times they are putting themselves into an unproductive state (Personal, Finish Reservation, Wrap Up Status) and will be held accountable to the attendance point system if it meets the standards of being excessive.
- e. **Break Periods.** Agents should follow the designated and allocated amount of time(s), they're assigned for break and lunch periods.

**9.2.1.4 Call Out Procedures**

1. If you are going to be late or absent, you must call the CRes Help Desk at least **15 minutes before the start of your shift**. In the event you work the opening shift, you can typically reach a Supervisor/Assistant Supervisor as soon by 6:30am by calling the Help Desk line, or you can leave a voicemail if you call earlier.
2. Calls to notify Supervisors/Assistant Supervisors of an absence or tardy should be directed to the CRes Help Desk at **303-600-3494**. Employees should **not** call the Supervisor/Assistant Supervisor individual/direct phone number.
3. You must provide notification of any absences or tardies of more than 30 minutes. Failure to provide proper notification will result in the assessment of additional points.
4. Employees must call in **every** day that he/she is to be absent in order to ensure proper coverage of the shift each day, unless otherwise arranged with the Supervisor/Assistant Supervisor
5. Calls by anyone other than the employee (unless the employee is unable to call due to reasons beyond his or her control) will not be considered as proper notification.

**9.2.2 Exclusions**

The following will not be counted as an absence under this policy: paid safe or sick time, public health emergency leave, scheduled absences approved in advance by your supervisor, approved leave without pay, paid holidays, approved bereavement leave, military leave, jury/witness duty, FMLA leave, Personal leave, reasonable accommodation as required by the Americans with Disabilities Act or applicable state law, or any other leave protected by federal or state law.

**9.2.3 Corrective Action**

Employees accumulate points for unscheduled absences and tardies on the following schedule. Assistant Supervisors will be responsible for tracking employee attendance and assessing points. During an employee's first 90 days of employment regular attendance is critical. Therefore, if you accumulate 3 or more attendance points within your first 90 days, your employment may be subject to termination.

<b>ABSENTEEISM</b>	<b>POINT ASSESSMENT</b>
Incomplete shift of up to 50% of the scheduled shift.	1/2

Absence of one scheduled shift or more than 50% of one scheduled shift.	1
Each additional day of absence above one scheduled shift	1
No call/No Show	6
Two consecutive no call/no show.	Termination
Absence of one day when a request for time-off was denied. Daily points will be assessed for each denied shift.	2
Failure to provide proper notification of absence (additional point assessment per absence).	1/2
<b>TARDINESS</b>  <i>"Workweek" = Thursday through Wednesday.</i>	<b>POINT ASSESSMENT</b>
Tardy(s) 5 minutes or less cumulative per workweek.	0
Tardy(s) 6 -10 minutes cumulative per workweek.	1/4
Each tardy, including the tardy that takes you over 10 cumulative minutes, up to 1 hour and 59 minutes per workweek.	1/2
Each tardy, including the tardy that takes you over 10 cumulative minutes, up to 1 hour and 59 minutes per workweek, between 2 hours and 3 hours 59 minutes per workweek.	3/4
Any tardy more than 4 hours or more than 50% of your scheduled shift.	1
Tardy(s) following a break/lunch period for a cumulative total of 6-10 minutes per workweek	1/4
Each tardy following a break/lunch period after 10 cumulative minutes, including the tardy that takes you past 10 minute per workweek.	1/2
Failure to clock in/out correctly for 4 punches within a workweek.	1/2
Each additional missed punch over 4 within a workweek.	1/2

Failure to provide proper notification of a tardy greater than 30-minutes (additional point assessment per tardy).	1/2
<b>SCHEDULE ADHERENCE</b> <i>“Workweek” = Thursday through Wednesday.</i>	<b>POINT ASSESSMENT</b>
Total % of non-productive time each week equal to or less than 5.00%	0
Total % of non-productive time each week greater than 5.01% - 7.00%	1/4
Total % of non-productive time each week greater than 7.01% - 10.00%	1/2
Total % of non-productive time each week greater than 10.01%	1
<b>CORRECTIVE ACTION</b>	<b>POINT LEVEL</b>
Job Performance Discussion (JPD)	3
First Written Action (1WW)	5
Second Written Action (2WW)	8
Termination	10 (3 during first 90 days of employment)

When an employee’s attendance issues become excessive, it is the responsibility of the employee to correct the attendance situation or be subject to corrective action. We understand situations and circumstances of life come into play and we hope everyone strives for perfect attendance. However, we recognize perfect attendance isn’t always possible and that some circumstances of life occur beyond our control. Many times excessive absenteeism is a result of circumstances that are within our control, or circumstances that can be within our control with some extra precaution and/or planning.

Corrective Action will be issued when specific point levels are reached during a rolling 365-day period (12 months). Points are removed 366-days from the date they are incurred. Supervisors will be responsible for administering corrective action in accordance with the above schedule. Employees who reach a point level without having been issued corrective action at the previous point level may still receive the current applicable corrective action, including termination of employment at 10-points. At any time, Cres Management reserves the right to escalate corrective action as needed to correct behavioral patterns.

If an employee accumulates 8 points within a 12-month period, no points will roll off until 12 months after the date the employee receives a 2WW. Once an employee reaches 10 points, they are subject to termination.

## Tardiness Examples:

### Example 1

Employee was late to work on the following days:

Thursday, (first day of the work week), 2 mins late.

Friday, 1 min late.

This employee was not late for any other shift in that workweek, so the cumulative tardy minutes equal 3 minutes, which means this employee does not receive any attendance points.

### Example 2

Employee was late to work on the following days:

Thursday, (first day of the workweek), 4 mins late.

Saturday, 4 mins late.

Monday, 16 mins late.

This employee was late to work a combined 24 minutes. This employee would receive .25 point for the tardies on Thursday and Saturday (8 minutes combined) and will receive an additional .5 point for the tardy that took them past 10 cumulative minutes for the week. In total this employee would receive 3/4 points for tardiness for the workweek.

### Example 3

Employee was late coming back from break on the following days:

Thursday, (first day of the workweek), 4 mins late.

Saturday, 3 mins late.

Employee was late coming back from break for a total of 7 minutes. In total this employee would receive 1/4 of a point.

## Sick Examples:

Scenario	Hours Not Worked Due to Illness	Protected & Sick Leave	Safe Non Protected Hours	Attendance Points
Agent calls out sick for an 8 hour shift and has 8 hours of safe & sick leave	8	8	0	0
Agent calls out sick for a 5 hour shift and has no safe & sick leave	5	0	5	1
Agent is scheduled for an 8 hour shift, they leave work 3	3	3	0	0

hours early due to illness with 3 hours of safe & sick leave				
Agent is scheduled for an 8 hour shift, they leave work 3 hours early due to illness with no safe & sick leave	3	0	0	1/2
Agent is scheduled for an 6 hour shift, they leave work 3 hours early due to illness with 1 hour of safe & sick leave	3	1	0	1/2
Agent is scheduled for an 8 hour shift, they leave work 6 hours early due to illness with 1 hour of safe & sick leave	6	1	5	1

**9.3 Daily Updates, Instant Messaging and CRes Alerts**

CRes has a daily information update and alerts are posted via instant messenger which all CRes employees are required to read in order to stay current and up-to-date on information and/or procedural changes. This includes reading updates and alerts from your days off. This ensures that our guests are handled appropriately and in accordance with Xanterra’s standards.

In addition, CRes employees will have the ability to instant message individuals or groups of people within Xanterra Travel Collection®. Non-exempt and Hourly employees may not read or respond to instant messages outside of their work hours as this is considered “off the clock” “work” and is strictly prohibited. Employees must keep the subject matter of instant messages professional and the tone polite and respectful at all times. Knowing your audience is critical; refrain from posting personal discussions within a “work focused” group. The goal of instant messaging is to speed up communication. If you find yourself in a long chain of messages, constantly answering questions and trying to clarify what you’re saying, pick up the phone and speak directly with that person. For any complicated questions or scenarios, call the Help Desk immediately.

**9.4 Employee Discounts**

Xanterra offers employees and their immediate family traveling with the employee the opportunity to stay at Xanterra’s properties as guests and purchase items at discounted rates. Discounts are subject to property seasonal demands and space availability. Xanterra offers the following discounts to employees who wish to stay at Xanterra properties as guests and/or purchase retail items at Xanterra properties and retail outlets. Employees must present a valid employee identification badge to the salesperson/cashier in advance of ordering or purchasing any items to receive the following discounts.

- **Accommodations**  
 Employees may receive either a 20% or 50% discount off rack rate subject to blackout dates and availability. Reservations can be made no more than 90 days in advance. Room(s) must be occupied or shared by a Xanterra employee, and no more than 4 room nights are allowed to be booked at the employee discount rate. This can be any combination to not exceed 4 room nights (e.g.1 room for 4

days, or 2 rooms for 2 nights). The employee must be present at check-in and present a valid Xanterra employee identification to the Front Desk. Failure to provide proper identification will result in the discount being removed and the room subject to the currently applicable rack rate. Submit any vacation requests to your Supervisor/Assistant Supervisor or make the reservation online using promo codes XANEMP20 or XANEMP50. Refer to the Xanterra Employee Discounts policy for additional details. Any additional discount requests for CRes are handled by the Director, Central Reservations and at the discretion of the General Manager. Your Supervisor/Assistant Supervisor will notify you if the property can accommodate any additional discounts.

- **Retail**

Employees receive a 30% discount on most purchases in our gift shops. Not all items may be eligible for an employee discount. Please verify with the Retail employee which items are eligible. You must present your employee identification badge prior to the transaction being run on the register.

- **Meals**

Employees receive a 20% discount on their personal meal in any Company dining room, cafeteria, fast food operation, snack shop or deli (excluding bar service).

## **9.5 Identification & Access Cards**

Photo identification cards are used to show current employment status with Xanterra. Employees must show their ID card to receive employee discounts at any Xanterra property.

All employees going to the Corporate office must use their building access card or obtain a temporary access card to access the office. Please note that employee relatives or friends and former employees are not allowed in the Corporate office without permission from a member of CRes management or the corporate receptionist.

Employees are responsible for safeguarding their ID and building access cards. If you lose your ID or building access card, you will be responsible for the replacement cost, which may be deducted from your paycheck. Employees must return their ID and building access card if issued one upon termination of employment. Failure to do so on or before your last day worked may result in the replacement cost being deducted from your final paycheck as permitted by federal and applicable state law.

## **9.6 Incentives**

In CRes, employees are eligible for various incentives. Incentives are paid in accordance with the designated parameters of each incentive. Any falsification, attempt to falsify or otherwise manipulate an incentive for the benefit of the employee or another employee may result in any or all of the following:

- Forfeiture of all future incentive earnings
- Ineligible from participating in future incentives
- Corrective action, up to and including termination.

## 9.7 Performance Reviews

Xanterra believes that employees should be provided with feedback on their job performance. That is why there will be periodic performance evaluations from your Supervisor. Performance evaluations for hourly employees will occur for the 90-day (3-month) period and 180-day (6-month) period following successful completion of training. Annual evaluations occur in January for hourly employees and February for salaried employees. Employees must receive a “Good” or better rating to receive any applicable pay increase. However, the Company always retains the sole discretion to determine whether to implement a change in pay. Your Supervisor generally will also provide you with ongoing and continuous feedback (generally at least weekly) regarding various aspects of employee performance.

In CRes, we have established “Performance Expectations” and “Performance Standards” that each employee is expected to maintain. These standards and expectations are what each employee will be measured against when it comes to performance feedback and evaluations. If you have any questions about these standards and expectations, please see your Supervisor.

## 9.8 Security & Home Office Inspections

The Company reserves the right to make visual inspections of an employee’s remote workspace in person or via video webcam at any time. Every CRes employee must make sure that their webcam is in working condition at all times and is required to turn on their webcam when instructed by a member of management. In addition, CRes employees will be periodically required to send pictures of their remote work area to ensure they are meeting the home office and PCI requirements as listed in the Corporate Central Reservation – Work from Home Program document.

## 9.9 Service Recognition

Xanterra believes it is important to reward and recognize employees who achieve significant anniversary milestones through a length of service recognition program. The Company will provide awards to each eligible CRes employee as follows:

<u>Milestone Year</u>	<u>Award</u>
1 year	\$50 gift of choice
3 years	\$150 gift of choice
5 years	\$250 gift of choice
7 years	\$350 gift of choice
10 years	\$500 Cash
15 years	\$750 Cash
20 years	\$1,000 Cash
25 years	\$1,250 Cash
30 years	\$1,500 Cash
35 years	\$1,750 Cash
40 years	\$2,000 Cash

Xanterra has partnered with a gift company called [Snappy](#) to provide employees with a personal and unique gift experience to celebrate milestone work anniversaries for years 1 through 7. Employees will receive an email

from Snappy during their anniversary month that will contain a link which will allow them to select from a variety of specially curated gift collections.

For milestone work anniversaries for years 10 and higher, employees will receive a cash award via payroll direct deposit. Cash awards are subject to regular withholdings.

## **9.10 Paid Time Off**

### **9.10.1 Approved Unpaid Time Off (AUTO)**

As an enhancement to vacation time, employees may be eligible to take additional time-off without pay (Approved Unpaid Time-Off or AUTO). This time (as with vacation time) is subject to the needs of the operation in order to ensure we are best serving our guests and callers. The number of employees allowed to be off on any given day is limited. Vacation time has a priority over AUTO. Requests for AUTO can only be submitted a maximum of 30-days prior to the start of the time-off.

One AUTO occurrence may be requested for up to a maximum of 5 consecutive days with prior written approval by Xanterra management. AUTO is intended for use by those employees with no earned paid-time available for use (i.e. vacation, sick time, etc.). It is expected that AUTO should only be requested/used when all appropriate earned paid-time has been exhausted.

Off -Peak months are currently defined as November and December. Peak months are currently defined as January through October. NOTE: Peak and Off-Peak periods are subject to change at any time according to operational needs.

During the Off-Peak months, AUTO may be unlimited (unless operational needs require that they be limited). All requests are subject to approval according to operational needs and will be reviewed on a case-by-case basis.

During the Peak months, AUTO will be available as follows:

Agents with less than 1-year of service may take no more than two AUTO occurrences or have no more than two approved AUTO requests each calendar month.

Agents with more than 1-year of service may take no more than one AUTO occurrences or have no more than one approved AUTO request each calendar month.

Final decision for approval of AUTO remains up to the discretion of Xanterra CRes Management. Xanterra reserves the right to modify this policy at any time without notice.

### **9.10.2 Holidays**

CRes observes the following holidays:

New Year's Day	President's Day	Memorial Day	Independence Day
Labor Day	Thanksgiving Day	Friday After Thanksgiving	Christmas Day

CRes is open on holidays, except for New Year's Day, Thanksgiving Day and Christmas Day. If the decision is made to close CRes for an additional holiday, you will be paid the applicable holiday time. Early closures for holiday eves will be unpaid unless the employee chooses to use compensable time (e.g., vacation or PTO). The holiday schedule for CRes is subject to change.

If CRes remains open and you work on a recognized holiday, you will be paid for the hours worked at your regular rate, plus the applicable holiday pay.

To be eligible for Holiday Pay, you must complete 30 days of service and work your last scheduled day preceding the holiday and your first regularly scheduled workday following the holiday, unless absent on pre-approved paid time-off (e.g., VACA, PTO, PERS, AUTO)

Full-Time employees (classified as working an average of at least 30 hours per week), will receive Holiday Pay equal to the hours routinely scheduled during a shift. If you are scheduled off, you will receive 8 hours of Holiday Pay. If you work part of the day and are allowed to go home early based upon operational needs, you will receive regular pay for the hours worked and 8 hours Holiday Pay.

Part-Time employees (classified as working an average of less than 30 hours per week), will receive Holiday Pay as follows:

- If you work on the Holiday, you will be paid regular pay for the hours worked or the routinely scheduled hours, whichever is greater (i.e., you normally work 8 hours on the recognized holiday, if you work 4 hours, you will receive 4 hours regular pay and 8 hours holiday pay).
- If you are routinely scheduled on the Holiday, but you have the day off (i.e. closed on Thanksgiving Day), you will be paid Holiday pay equal to the hours routinely scheduled.
- If you are routinely off on the Holiday, you will receive Holiday Pay equal to an average day, based upon the hours worked per week (i.e., you routinely work 24 hours per 5-day workweek,  $24/5 = 4.8$  hours).

### **9.10.3 Vacation**

#### **9.10.3.1 Eligibility**

Hourly CRes employees with Full-time, Part-Time or Core status are eligible for vacation pay. Vacation pay is accrued per pay period, based upon payable hours worked. These payable hours include regular work hours, overtime work hours, paid vacation and sick leave, paid holidays, and paid leaves of absence. Vacation pay does not accrue during unpaid leaves of absence.

#### **9.10.3.2 Accrual**

Vacation pay accrues based upon an employee's years of service, and is earned according to the following accrual schedule:

:

Years of Eligible Service	Accrual Rate Per Hour	Maximum Annual Accrual	Maximum Balance
0 - 4 years	.0385	80 hours (2 weeks)	120 hours (3 weeks)
5 – 9 years	.0577	120 hours (3 weeks)	160 hours (4 weeks)
10+ years	.0769	160 hours (4 weeks)	200 hours (5 weeks)

Employees become eligible for the higher accrual rate on the first day of the pay period in which the employee’s anniversary date falls.

Accrued vacation is considered earned vacation and available for use in the pay period following completion of 90 days of employment. All hours thereafter are earned and available for use in the pay period following the pay period in which they are accrued. Paid vacation may be taken in minimum increments of one hour.

**9.10.3.3 Maximum Balance**

If an employee does not use their full vacation benefit during the year, the accrued and unused balance will carry forward subject to the maximum balance. When an employee leaves the Company, he/she will be paid for accrued unused vacation pay through the last day of work.

**9.10.4 Paid Sick and Safe Time**

**9.10.4.1 Eligibility Requirements**

The Company provides paid sick and safe time (“PSST”) pursuant to the Colorado Healthy Families and Workplaces Act (“HFWA”) to 1) Hourly CRes employees with Full-time, Part-time, or Core status and 2) Seasonal and Intermittent CRes employees who work in Colorado. Seasonal and Intermittent employees who work outside Colorado are not eligible for paid sick time unless they work in a state that has state-mandated paid sick time, in which case they will be eligible for paid sick time in accordance with the laws of the applicable state. Salaried employees with Full-time, Part-time, or Core status are eligible for Paid Time Off (“PTO”) as described in Section 9.11.6.

**9.10.4.2 Entitlement to Paid Sick and Safe Time**

Upon hire, eligible employees accrue one hour of PSST for every 30 hours worked, including overtime hours, up to a maximum of 48 hours per year. Once this cap is reached, no further PSST will accrue. Accrued but unused paid sick leave will carry over to the following year, subject to the 48-hour cap. PSST does not accrue on paid vacation and sick leave, paid holidays, paid leaves of absence, or unpaid leaves of absence.

Accrued and unused PSST is not paid out upon termination from the Company. However, any accrued and unused PSST will be restored to employees who worked in Colorado and are rehired in Colorado within six months of their separation from employment with the Company.

**9.10.4.3 Use of Paid Sick and Safe Time**

Employees are eligible to use PSST as it accrues. Employees may use up to 48 hours of PSST in a 12-month period. The 12-month period is based on the employee’s sick-eligibility anniversary date.

Employees may use paid sick time for the following “sick time” reasons:

- A physical or mental illness, injury or health condition of the employee or family member that prevents the employee from working;
- Medical diagnosis, care, or treatment related to an employee’s or family member’s illness, injury or condition; or
- To seek preventive medical care.

If an employee or family member is the victim of domestic abuse, sexual assault, or harassment, employees may use leave for the following “safe time” reasons:

- To seek medical attention to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;
- To obtain services from a victim services organization;
- To obtain mental health or other counseling;
- To seek relocation due to the domestic abuse, sexual assault, or harassment; or
- To seek legal services, including preparing for or participating in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.

Additionally, employees may use PSSST for the following reasons:

- To grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member;
- To care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected events; or
- To evacuate the employee’s place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected events.

For purposes of the Colorado HFWA, “family member” includes an employee’s immediate family member (a person related by blood, adoption, marriage or civil union); a child to whom the employee stands *in loco parentis* or a person who stood *in loco parentis* to the employee when the employee was a minor; or a person for whom the employee is responsible for providing or arranging health or safety-related care.

Additionally, an employee may use PSSST if due to a public health emergency, a public official has ordered closure of either 1) the employee’s place of business or 2) the school or place of care of the employee’s child, requiring the employee to be absent from work to care for the child.

PSSST may be taken in hourly increments, or in smaller increments if needed. To use PSSST, you should notify your manager in advance of foreseeable leave or as soon as practicable if the need for leave is not foreseeable and, if possible, notification should include the expected duration of the leave. If the need for leave is foreseeable, you must make a good faith effort to give advance notice and schedule your absences in a way that lessens the impact on the business operations. For unforeseeable leave, employees must follow the standard call-in procedure established by the department.

You may be required to provide reasonable documentation that the earned PSST has been used for the purposes outlined above if you use PSST for four (4) or more consecutive days.

Retaliation against employees for using PSST for authorized purposes, or for exercising any rights under the Healthy Families and Workplaces Act is strictly prohibited. Employees who believe they may have been denied needed PSST for one of the reasons listed above should contact Human Resources for an individualized review.

**9.10.5 Paid Time Off (PTO)**

**9.10.5.1 Eligibility**

Effective March 16, 2023, Salaried CRes employees with Full-time, Part-time or Core status are eligible for Paid Time Off (“PTO”). PTO is designed to provide employees with a paid time off plan that combines vacation, personal and sick leave into one program.

Hourly CRes employees with Full-time, Part-time or Core status are eligible for paid sick and safe time (see Section 9.10.5) and vacation pay (see Section 9.10.4).

Seasonal employees are not eligible for PTO or vacation pay; however, Seasonal employees who live and work in a state with mandated paid sick time are eligible for sick time in accordance with the laws of their state. For example, Seasonal employees based in Colorado are eligible for Paid Sick and Safe Time pursuant to the Colorado Healthy Families and Workplaces Act (“HFWA”).

This PTO policy is designed to provide eligible employees based in Colorado with enough hours to satisfy the requirements of HFWA and allow employees to take time off for all the same reasons and conditions under HFWA as described in Section 9.11.5 of this Handbook.

**9.10.5.2 Accrual**

PTO accrues based upon an employee’s years of eligible service, and is earned according to the following accrual schedule:

Years of Eligible Service	Accrual Rate Per Hour Worked	Maximum Annual Accrual	Maximum Balance
0 - 4 years	.0577	120 hours (3 weeks)	240 hours (6 weeks)
5 – 9 years	.0769	160 hours (4 weeks)	320 hours (8 weeks)
10+ years	.0962	200 hours (5 weeks)	400 hours (10 weeks)

Employee begin accruing PTO as of their hire date and accrue until they reach the maximum annual accrual during their anniversary year. Employees are eligible to use their PTO as it accrues with no waiting period.

**9.10.5.3 Maximum Balance**

If an employee does not use their full PTO benefit during the year, the unused balance will carry forward until the employee’s accrued and unused PTO balance reaches the Maximum Balance for their applicable Years of Service. Employees do not accrue any additional PTO once they have reached the Maximum Balance for their

applicable Years of Service. Employees will begin to accrue PTO at their scheduled rate once their accrued and unused PTO balance falls below the Maximum Balance based on their applicable Years of Service.

When an employee leaves the Company, they will be paid for unused PTO accrued through the last day of work.

### **9.11 Weather Emergencies**

In the event of a weather emergency in your local area that requires you to leave your remote workstation:

- Inform the caller with whom you are speaking that your location is experiencing a severe weather situation, which requires you leave your workstation.
- Ask the caller to call back.
- **DO NOT COMPLETE THE RESERVATION.**
- Release your contact immediately and select “Emergency” as the not ready status.
- Follow the instructions provided by your local weather emergency station.
- Follow any additional instructions provided by management on how to proceed.
- If working remotely, once in a safe location notify the Help Desk of the situation.
- Once the all clear has been given in your location, proceed back to your workstations.

Depending on the weather emergency and impacted region, Management may or may not put the Emergency Closure message on the phone system to prevent additional calls from entering the phone queue.

### **9.12 Fire Emergency Procedures**

Your safety is very important to us. Employees are required to respond immediately to fire alarms both in the office and at your remote office location. Please read these steps carefully:

- Inform the caller with whom you are speaking that there is a fire emergency, which requires you to leave your workstation.
- Ask the caller to call back.
- **DO NOT COMPLETE THE RESERVATION.**
- Release your phone immediately and select “Emergency” as the not ready status.
- Proceed to the closest exit.
- If working in the Corporate office, proceed to the closest staircase and in an orderly fashion exit the building on the first floor and clear the area surrounding the building to allow the fire department and emergency vehicles access. Follow the exit signs.
- If you’re not in the office, follow the established fire emergency procedures for your location. Once in a safe location notify the Help Desk of the situation.
- **DO NOT USE ELEVATORS UNDER ANY CIRCUMSTANCES!**
- Once the all clear has been given by the fire department, proceed back to your workstations.

Depending on the situation, Management may or may not put the Emergency Closure message on the phone system to prevent additional calls from entering the phone queue. When the fire department allows it, proceed back to your workstation.

## 9.13 Work Schedules

### 9.13.1 Delayed Start

There may be opportunities when our call volume declines to the point that we can offer agents the opportunity to have a Delayed Start (DS) – without pay. Here is how it works:

1. For same day requests, call the Help Desk at least 60-minutes and no more than 90-minutes prior to your scheduled shift.
2. Advise the Supervisor on Duty of how much of a DS you are requesting. (For example, your shift starts at 9:45 am, and you are requesting to start at 11:00 am.)
3. The Supervisor on Duty will determine whether a DS is available.
4. Once made, that determination is final and you may not call the Help Desk again that day to see if the status has changed.
5. You can also request delayed starts via Webstation, no more than 3 days in advance, and the request needs to be approved before it's considered finalized.
6. If a DS is approved, then you will be expected to arrive on or before the approved time. Please request the necessary time initially as extensions will not be granted. If you don't need all of the time requested/approved, you may report to work earlier.
7. Failure to arrive on time for the DS is the same as not reporting on time for a scheduled shift. This will be considered a tardy and could result in suspension of these privileges and/or corrective action.
8. If a DS is NOT approved, you will be expected to arrive at your scheduled time.
9. Delayed Starts are never guaranteed and may not be used to avoid a tardy. We must put our customers first. Delayed Starts will only be granted when call volume allows. If you need time-off for a particular reason (e.g. an appointment), please prearrange with a day or shift trade, or pre-approved time-off.
10. We reserve the right to change or withdraw the DS program at any time.
11. If you have any questions - please see a Supervisor/Assistant Supervisor

### 9.13.2 Extended Lunches

There may be opportunities in which our call volume declines to the point that we can offer employees the opportunity to have an “Extended Lunch” beyond the normal 30-minutes. This additional time would be Time-off without pay. Here's how it works:

1. Please reach out to the Help Desk if you're requesting an extended lunch.
2. If call volume and staffing allows, the “Extended Lunch” will be granted based upon your Shift Start-time, Lunchtime, Sign-up time and length requested.
3. Please understand that your lunchtime may need to be adjusted either earlier or later in order to be approved, so please also indicate if you are flexible on the “Extended Lunch” time period. We reserve the right to limit the granted length of time. If too many people have signed up for the same time period, unless you are flexible, we may not be able to grant your request. Depending on call volume, the number of requests and to be fair to all shifts, we may have to limit Extended Lunches based Shift start time.
4. Extended Lunches are never a guarantee. We must put our customers first. We will grant Extended Lunches on the same-day as the request only – these may not be requested in advance. If you need

time-off for a particular reason (e.g., appointment), please prearrange with a day or shift trade, or pre-approved time-off.

5. Management reserves the right to change or withdraw this program at any time.
6. If you have any questions – please see a Supervisor/Assistant Supervisor.

### **9.13.3 Go Home Early**

There may be opportunities in which our call volume declines to the point that we can offer people the opportunity to Go Home Early (GHE) – without pay. Here’s how it works:

1. Requests for GHE are submitted via webstation and can only be requested up to 3 days in advance. The requests needs to be approved before it’s considered finalized.
2. When you submit a request, you must be prepared to leave if/when an Assistant Supervisor or Supervisor advises, “it’s time to go”. If on a call, complete that call, log out of the phone & computer system and punch-out.
3. When call volume allows, time-off will be granted according to what properties you are trained to sell and your Shift-End time.
4. Time-off or GHE is never a guarantee. We must put our customers first. Time-off will only be granted when call volume allows. If you need time-off for a particular reason (i.e. appointment), please prearrange with a day or shift trade, or pre-approved time-off. If you are ill – see an Assistant Supervisor or Supervisor – do not rely on the GHE list.
5. We reserve the right to change or withdraw this at any time.
6. If you have any questions – please see a Supervisor/Assistant Supervisor

### **9.13.4 Shift Bid**

After successful completion of the New Hire Training, each agent will participate in a shift bid. Rankings for the shift bid are determined by 4 factors: Seniority, Attendance, Revenue per Hour, and Call Quality Monitor Scores.

If more than one agent starts on the same date, the test scores from training are averaged and the highest score will be weighted with the length of service.

Ongoing shift bids will be conducted either bi-monthly or quarterly, based upon your agent role, job duties, and employment status (part-time or full-time employment), however, they may be conducted more or less frequently depending on the needs of the operation. The available shifts are determined by the current forecasted call volume and associated needs. The same shifts are not always available from shift-bid to shift-bid, as the call patterns change (i.e., Daylight Savings/Standard time changes in Spring and Fall and Arizona does not change). We will try to give as much advance notice as possible between the time the shift bid is conducted and the effective date of the new bid. Shift bids become effective on the first day of a new workweek, currently Thursdays.

Shift bids are completed via Webstation, and all employees will be given the same specified timeframe to complete their shift bid. The specified timeframe is usually somewhere between 7 – 14 days to ensure everyone has the ability to complete the schedule bid. While highly unlikely, if the employee is unable to bid during the specified timeframe the employee will be contacted by a Supervisor to help complete the bid. If the employee

fails to complete the shift bid and they had the ability to do so, a shift will be assigned by the management member overseeing the shift bid.

If an employee has 4 or more instances of tardiness greater than 10 minutes in the 90 days prior to a shift bid, they will be ineligible to work a shift that starts at 6:45am.

### **9.13.5 Shift Trades, Day Trades and Pick-Up Hours**

As an alternative to requesting time-off (vacation, personal, etc.), employees are allowed to trade their shifts and/or hours. This can be an excellent alternative when we are unable to approve the time-off.

A Shift Trade is defined as 2 or more employees agreeing to work each other's shifts on the same day. (i.e., you work my 645a-315p shift and I will work your 945a-615p shift). A Day Trade is defined as 2 or more employees agreeing to work each other's shift on different days. (i.e., you work for me on Friday and I will work for you on Monday).

In order for trades to be approved each agent must have similar skill sets (i.e., sell the same properties) and a request needs to be submitted via Webstation. When a trade is done, all parties of the trade and a Supervisor must agree to the trade before it is considered an approved trade. Once the trade is approved, each person is then responsible to cover the shift as they committed. Failure to cover the traded shift may result in corrective action according to the attendance policy.

Day trades must occur within the same workweek so overtime pay is not necessitated from either employee. A shift or day trade may not result in either employee receiving overtime hours. Only in extenuating circumstances will this be permitted and only with the prior approval of a Supervisor and notation on the Trade form.

An employee scheduled to work less than 40-hours in a given pay week may pick-up another employee's shift, provided the picked up hours do not result in overtime pay.

### **9.14 Remote Workstations**

Employees must be at their workstation and ready to take calls when scheduled. Employees may not use a cell phone, smart phone, tablet, or other electronic device while at their workstation, except for network authentication purposes only.

To ensure we are maintaining a professional image at all times and to protect your work area and Company equipment, food (including gum, candy, etc.) may not be consumed at your workstation. All drinks must be in a no-spill type cup/mug with a lid. Everyone is expected to keep their workstation clean at all times. Sleeping at your workstation is prohibited.

For more information regarding Cres work station requirements and policies please review the Corporate Central Reservation – Work from Home Program document

Failure to adhere to these guidelines may result in corrective action.

### **9.15 Workers' Compensation**

Regardless of the severity, employees must report any job-related accident, injury and/or illness that they witness or experience themselves immediately to a supervisor. On-the-job injuries may be covered by workers' compensation insurance. Employees must seek treatment from a Company-designated provider. Xanterra's designated providers are Concentra and HealthOne.

If medical attention is required, the employee or witness should contact a supervisor. If the injury is life threatening, call "911". If the injury is non-life threatening and during normal business hours, a supervisor will provide a referral to a Xanterra designated medical provider.

Your safety is important to us! Xanterra is genuinely concerned about your health and welfare. Human Resources is always available to assist you with questions and concerns regarding workers' compensation claims.