

# BOARD POLICY



## RETAILER CONDUCT POLICY

**Policy #:** O - 118

**Approved:** NMLA Board of Directors

**Issued:** June 17, 2010

**Revision #:** 1

**Revised:** Mar. 4, 2014

**NOTHING CONTAINED IN THESE GUIDELINES IS INTENDED TO  
CREATE A CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED,  
OR TO ALTER THE AT-WILL NATURE OF EMPLOYMENT.**

# RETAILER CONDUCT POLICY

## Purpose

This Policy is adopted by the Board of Directors of the New Mexico Lottery Authority ("NMLA") to prohibit certain conduct on the part of lottery retailers and their agents and employees with respect to their interactions with and treatment of NMLA employees and representatives, and members of the public who are purchasing or redeeming lottery tickets.

## General Use and Applicability

This policy is applicable to all NMLA retailers, their agents and their employees.

## Definitions

"New Mexico Lottery Act", "Lottery Act", or "the Act" means the New Mexico Lottery Act, N.M.S.A., 1978, Sections 6-24-1 through 6-24-34, as the same may be amended from time to time.

"New Mexico Lottery Authority", "New Mexico Lottery", "NMLA", "Lottery", or "Authority" means the New Mexico Lottery Authority, a public body, politic and corporate, separate and apart from the State of New Mexico, constituting a governmental instrumentality, established and operated pursuant to the New Mexico Lottery Act.

## Policy

### Prohibited Conduct toward NMLA Employees and its Representatives

The safety and security of the NMLA's employees and representatives are of utmost importance to the NMLA. Actual or threatened violence, intimidation, harassment, physical altercation, or abusive or unprofessional conduct on the part of a lottery retailer or its agents or employees to whom NMLA employees, representatives and members of the public are subjected will not be tolerated.

Sexual harassment of the NMLA's employees or representatives, by a lottery retailer or its agents or employees will not be tolerated. Sexual harassment includes unwelcome sexual advances, suggestions of or requests for sexual favors, sexual relations, sexual contact, graphic or degrading comments about an individual or his/her appearance and other verbal or physical conduct of a sexual nature which has the purpose or effect of interfering with a NMLA employee's or its representatives work performance or which creates an intimidating, hostile or offensive working environment. Such conduct can be verbal, in person, use of electronic communication, or other means of written communication.

The contract and Certificate of Authority of any retailer who violates this policy may be suspended, canceled or terminated by the NMLA as determined by CEO and the EVP of Security.

### Complaints from the Public

Complaints which are received by the NMLA from members of the public, who are subjected to any of the types of conduct, described herein, by a retailer or its agents or employees, while such members of the public are purchasing or redeeming lottery tickets, may, where substantiated, result in the suspension, cancellation or termination of the retailer's contract and Certificate of Authority as determined by the CEO and the EVP of Security.

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## **Authority of the CEO**

The CEO of the NMLA is hereby authorized by the Board to take such actions as are deemed necessary or appropriate to implement and enforce this policy, including suspending, cancelling or terminating the retailer's contracts and Certificate of Authority.