

SUBCHAPTER 5. CASINO KEY EMPLOYEE LICENSE REQUIREMENTS

19:41A-5.1 Persons required to obtain a casino key employee license

(a) Any natural person who will be employed by a casino licensee in a position that includes any responsibility or authority as listed in this section, regardless of job title, shall be required to hold, prior to such employment, a current and valid casino key employee license issued in accordance with N.J.S.A. 5:12-89:

1. The supervision of specific areas of casino or simulcasting operations.

Such positions shall include, without limitation, persons who:

- i. Function as a table games shift manager;
- ii. Function as a pit boss;
- iii. Function as a poker shift supervisor;
- iv. Function as a slot shift manager;
- v. Supervise the repair and maintenance of slot machines and bill changers;
- vi. Supervise surveillance investigations or the operation of the surveillance department during a shift;
- vii. Supervise security investigations or security department employees;
- viii. Function as a cage manager;
- ix. Supervise the operation of the cashiers' cage, table games cage, or slot machine cage during a shift. Persons who supervise the operation of a cashiers' cage, table games cage, or slot machine cage, in a position directly

subordinate to the cage shift manager, shall be required to obtain a key license where the organization of the cage operations, the size of the casino operation, the nature and volume of the transactions performed by the cage, and the number and locations of cage operations indicate that such person exercises a comparable level of responsibility and authority;

x. Supervise the hard count or soft count room or function as a count room supervisor;

xi. Function as a simulcast counter shift supervisor;

xii. Function as a keno manager;

xiii. Manage or supervise information technology employees;

xiv. Supervise the collection of patron checks; and

xv. Function as a casino accounting department manager.

2. The authority to develop or administer policy or long-range plans to make discretionary decisions regulating casino or simulcast facility operations.

Such positions shall include, without limitation, persons who:

i. Function as an officer or comparable non-corporate employee of the casino licensee;

ii. Function as a casino manager;

iii. Function as a slot department manager;

iv. Function as a director of surveillance;

v. Function as a director of security;

vi. Function as a controller;

vii. Function as an audit department executive;

viii. Function as an MIS department manager or as an MIS security officer;

ix. Function as a marketing director;

x. Function as an assistant manager of a mandatory casino department;

xi. Function as an equal opportunity officer; or

xii. Manage casino administrative operations.

3. The authority to develop or administer policy or long-range plans or to make discretionary decisions regulating the management of an approved hotel.

Such positions shall include, without limitation, persons who manage the:

i. Operation of the hotel;

ii. Entertainment activities of the casino licensee;

iii. Food and beverage operations of the casino licensee; and

iv. Human resource activities of the casino licensee.

(b) In addition to the persons required to hold a casino key employee license pursuant to (a) above, any natural person who will be employed in a position designated by the Commission, for reasons consistent with the policies of the Act, as a casino key employee shall be required to hold, prior to such employment, a current and valid casino key employee license issued in accordance with N.J.S.A. 5:12-89. Such positions shall include, without limitation, any employee of a casino licensee who:

1. Is required to be qualified pursuant to N.J.S.A. 5:12-85.c;

2. Will provide legal representation for the casino licensee in matters before the Commission or provide legal counsel regarding compliance with the Act or the rules and regulations of the Division and/or the Commission;
3. Will purchase or contract for goods and services involving an annual expenditure of \$10,000 or more;
4. May authorize the issuance of patron credit;
5. May authorize the issuance of cash complimentarys in the amount of \$10,000 or more;
6. Function as a junket representative; or
7. Will supervise an employee who is required to be licensed as a casino key employee.

19:41A-5.2 Application for the issuance of a casino key employee license

(a) An application for the issuance of a casino key employee license shall include the following:

1. A completed PHD-1B as set forth in N.J.A.C. 19:41A-7.2;
2. The documents required for identification by N.J.A.C. 13:69A-7.2A;
3. A photograph of the applicant, taken within the preceding 12 months, attached to the original disclosure form;
4. A certification by the Division that the applicant has been fingerprinted in accordance with the rules of the Division; and
5. Any applicable fee required by the rules of the Division.

(b) Each applicant shall file a completed application pursuant to (a) above with the Commission by mail or in person at the address specified in N.J.A.C. 19:40A-3.1.

(c) Except as provided in (d) below, no application shall be accepted for filing unless the applicant is eligible for employment pursuant to N.J.A.C. 19:41A-5.5(b) and (c) and such application includes all materials required by (a) above, completed in accordance with the requirements of the Act and the rules of the Commission and any instructions included with the disclosure form.

(d) The Commission may accept an application for a casino key employee license from an applicant who is at least 17 years and six months of age, provided that the application is accompanied by a signed and dated certification by the applicant stating that he or she will not commence casino employment until he or she is 18 years of age. Such certification shall also be signed by the applicant's parent or legal guardian unless the applicant presents proof that he or she is married, has entered military service, has a child, or has been previously declared by a court or administrative agency to be emancipated.

(e) A casino key employee licensee may downgrade his or her current license in accordance with the rules of the Division.

19:41A-5.3 Temporary casino key employee license

(a) The Commission may, with the consent of the Division, issue a temporary casino key employee license to an applicant who has filed a

completed application in accordance with N.J.A.C. 19:41A-5.2, provided that:

1. The casino licensee that employs the applicant files a petition certifying, and the Commission so finds, the following:

i. An existing casino key employee position is vacant or will become vacant within 60 days of the date of the petition;

ii. The issuance of a temporary license is necessary to fill the vacancy, so as to continue the efficient operation of the casino; and

iii. Such circumstances are extraordinary and not designed to circumvent the licensing procedures of the Act; and

2. The Division certifies that the completed application has been in its possession for at least 15 days or otherwise agrees to report on the petition at some earlier date.

(b) The petition required by (a)1 above shall be submitted to the Division and the Commission electronically.

(c) A temporary casino key employee license shall expire nine months from the date of issuance.

(d) An applicant for a casino key employee license who is also required to establish his or her qualification pursuant to N.J.S.A. 5:12-85.1 and N.J.A.C. 13:69C-2.2 may file a petition with the Commission seeking issuance of a temporary casino key employee license in accordance with this section and temporary qualification in accordance with the rules of the Division, provided that the requisite disclosure forms have been filed.

1. Such petition shall be filed with the Division's Intake Unit.

19:41A-5.4 Multi-casino endorsements

(a) No casino key employee license may be employed by two or more affiliated casino licensees unless his or her license is endorsed by the Commission as a multi-casino key employee license in accordance with N.J.S.A. 5:12-91.1.

(b) The Commission may endorse a casino key employee license as a multi-casino key employee license upon the joint petition of the affiliated casino licensees and a determination by the Division that such multi-casino key employee will not engage in incompatible functions.

1. Such petition shall be filed with the Division's Intake Unit.

19:41A-5.5 Casino key employee license requirements

(a) No casino key employee license shall be issued by the Commission unless the applicant has been found qualified in accordance with the following standards as set forth in the Act:

1. The financial stability, integrity, and responsibility of the person;
2. The good character and reputation of the person for honesty and integrity; and
3. The residency requirements set forth at N.J.S.A. 5:12-89.b(4), except that:
 - i. No employee of a holding company or intermediary company shall be required to establish residency in this State; and
 - ii. The Commission may waive residency upon petition of the applicant

and a finding that the duties of the applicant's particular position require him or her to be located outside the State.

(b) No natural person shall be employed by a casino licensee as a casino key employee unless he or she is a citizen of the United States or can demonstrate that he or she holds a current and valid work authorization issued by the United States Citizenship and Immigration Services and is not restricted from working in the capacity for which employment is sought. Authorization to work in the United States may be demonstrated by the presentation of a permanent resident alien card, an Employment Authorization Document, or any other documentation submitted by an applicant that the Commission determines to provide sufficient evidence of such authorization.

(c) No natural person shall be employed as a casino key employee pursuant to N.J.S.A. 5:12-9 and N.J.A.C. 19:41A-5.1, unless he or she is 18 years of age or older.

(d) In determining whether an applicant satisfies the requirements of N.J.S.A. 5:12-89.b(4), the Commission may consider the following indicia of residency, without limitation:

1. A current and valid deed, lease, utility bill, or other document evidencing ownership or leasing of residential property in New Jersey; or
2. A motor vehicle license issued by the State of New Jersey.

19:41A-5.6 Duration of casino key employee license

(a) A casino key employee license shall remain valid unless otherwise suspended or revoked by the Commission or unless the licensee is placed on the Inactive List in accordance with N.J.A.C. 19:41A-6.1(d)1.

(b) Notwithstanding (a) above, the failure to file a complete resubmission with the Commission in accordance with N.J.A.C. 19:41A-6 may result in the Commission taking action to suspend or revoke the casino key employee license.

(c) Notwithstanding (a) above, a casino key employee license or temporary casino key employee license may be given a conditional expiration date to coincide with any employment authorization issued by the United States Citizenship and Immigration Services, which is less than the term of the license. Unless extended pursuant to (d) below, a casino key employee license or temporary casino key employee license with a conditional expiration date shall expire on that date.

(d) A license issued with a conditional expiration date pursuant to (c) above may be extended upon the presentation of proof of United States citizenship, or upon proof of authorization to work in the United States in accordance with the N.J.A.C. 19:41A-5.3(b). However, a casino key employee license shall not be extended beyond the term of the license.

19:41A-5.7 Credentials

The credential issued to a casino key employee shall contain the inscription "State of New Jersey," the seal of the State of New Jersey, the name of the Commission, a picture of the licensee, and a license number. Credentials may also include the signature of the registrant and the following information: name, address, date of birth, sex, height, weight, hair color and eye color, and indicate whether the licensee or registrant requires work authorization from the United States Department of Homeland Security, Citizenship and Immigration Services.

19:41A-5.8 Obligation to report and replace lost or destroyed casino key employee license credential

(a) Any holder of a casino key employee license credential shall promptly report the loss or destruction of his or her license credential to the Commission through the Licensing Unit of the Division of Regulatory Affairs.

(b) As soon as possible following the loss or destruction of a casino key employee license credential, the person to whom the license credential was originally issued shall apply to the Commission for a replacement license credential.

19:41A-5.9 Scope and applicability of casino key employee licensing requirements

(a) In determining whether a natural person who will provide services to a casino licensee or applicant must hold a casino key employee license as an employee or, alternatively, be registered as a vendor or junket enterprise in accordance with the rules of the Division, it shall be presumed that any such person will be required to hold a casino key employee license as an employee if the provision of services by such person is characterized by any of the following indicia of an employment relationship:

1. The natural person will, for a period of time unrelated to any specific project or for an indefinite period of time, directly supervise one or more employees of the casino licensee or applicant;

2. The casino licensee or applicant will withhold State and Federal income taxes or make regular deductions for unemployment insurance, social security, or other wage deductions required by law from any payments made to the natural person;

3. The natural person will be given the opportunity to participate in any benefit plans offered by the casino licensee or applicant to its employees, including, without limitation, health insurance plans, life insurance plans, pension plans, or profit sharing plans;

4. The natural person will not, during the time that services are rendered to the casino licensee or applicant, maintain an autonomous business enterprise, seek or provide services to other business clients, or practice a

trade or profession other than for the benefit of the casino licensee or applicant;

5. There is or will be a written or verbal promise of employment or an employment contract offered by the casino licensee or applicant in return for the services of the natural person; or

6. The natural person has a casino key employee license application pending before the Commission or will submit such an application during the time the services are being rendered, the cost of which has been or will be paid for or reimbursed by the casino licensee or applicant.

(b) A casino licensee or applicant which, or a natural person who, is a party to a contractual agreement for the provision of services to the casino licensee or applicant by such natural person as an enterprise subject to the vendor, junket enterprise, or casino service industry requirements of the Act and the rules of the Division may request, in accordance with the provisions of N.J.A.C. 19:40A-3.7, a declaratory ruling from the Commission that, notwithstanding the presumption established by (a) above, the provision of such services in accordance with the terms of the agreement shall not require the natural person to obtain a casino key employee license.

(c) The Commission may, upon consideration of the factors in (a)1 through 6 above and any other relevant information, require any natural person to obtain a casino key employee license prior to providing or continuing to provide any services to a casino licensee or applicant notwithstanding:

1. Any agreement between the casino licensee or applicant and such

natural person to the contrary; or

2. That a vendor registration form or junket enterprise registration form has been filed by a casino licensee or applicant on behalf of the natural person with the Division.