

SUBCHAPTER 9. EMPLOYMENT REQUIREMENTS

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19:43-9.1 Employee internal controls submission

(a) Each applicant for a casino license shall, pursuant to N.J.S.A. 5:12-99, submit an original and three copies to the Commission of a description of its internal procedures and administrative and accounting controls concerning employee licensing requirements. Unless otherwise directed by the Commission, an initial submission shall be made at least 30 days prior to the projected date of issuance of a certificate of operation. Each such submission shall be prepared and maintained in a format provided by the Commission; shall contain narrative and, where appropriate, diagrammatic representations of the internal control system to be utilized by the applicant, and shall address, without limitation, the following employee licensing requirements:

1. Procedures used to prepare and maintain a jobs compendium;
2. Procedures used to process and submit applications for casino key employee licenses, casino employee licenses and casino service employee registrations;
3. Procedures used to prepare and submit petitions for temporary employee licenses;
4. Procedures for assuring that only properly licensed or registered persons are employed in each position for which a license or registration is required;

5. Procedures for assuring that no person whose license, registration, qualification or approval has been denied or revoked or whose license or registration has been suspended is employed in any position which does not require a license or registration, except as expressly authorized by the Commission pursuant to N.J.A.C. 19:41-8.9, 8.10 or 8.11;

6. Procedures for assuring that no unlicensed or unregistered person who has committed a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1) is employed as a CHAB employee, except as expressly authorized by the Commission pursuant to N.J.A.C. 19:41-8.9, 8.10 or 8.11;

7. Procedures for notice, verification and implementation of wage executions in accordance with N.J.A.C. 19:43-9.6; and

8. Procedures used to assure the timely renewal of employee licenses.

(b) The Commission shall review each submission required by (a) above to determine whether it conforms to the requirements of the Act and the rules of the Commission. If the Commission finds any insufficiencies, it shall specify same in writing to the applicant who shall make appropriate alterations. When the Commission determines a submission to be adequate in all respects, it shall notify the applicant accordingly. No applicant for a casino license shall commence gaming operations unless and until its employee licensing internal controls submission is approved by the Commission.

(c) Each casino licensee shall maintain on its premises a complete, updated copy of its employee internal control submission, which shall be made available for review upon request of the Commission or Division.

(d) Unless otherwise directed by the Commission, an amendment to a previously approved employee licensing internal controls submission may be implemented by the casino licensee without the prior approval of the Commission, provided that the amendments are immediately recorded in the copy of the employee internal controls submission maintained by the licensee on its premises.

(e) The Commission may review any internal controls submission required to be maintained by this section and may require that a casino licensee amend its previously approved employee internal controls submission to include additional procedures in order to conform to the requirements of the Act and the rules of the Commission. Any amendment to the internal controls submission of a casino licensee shall be implemented in accordance with (d) above.

Effective: 12/21/92

As amended, effective: 06/06/94

As amended, effective: 11/20/95

As amended, effective: 02/05/96

As amended, effective: 10/07/96

As amended, effective: 02/18/97

As amended, effective: 03/01/99

19:43-9.2 Obligation to terminate, suspend or refuse employment; form of notice

(a) Except as authorized by the Commission pursuant to N.J.A.C. 19:41-8.9, 8.10 or 8.11:

1. Each casino licensee shall terminate or suspend the employment of any person whose license, registration, qualification or approval has been denied, revoked or suspended by the Commission; and

2. No casino licensee shall employ any person whose license, registration, qualification or approval has been denied, revoked or suspended during the period such person is restricted from employment pursuant to N.J.A.C. 19:41-8.8; and

3. No casino licensee shall knowingly employ any unlicensed or unregistered person as a CHAB employee if such person has been convicted of a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1).

(b) Any casino licensee required to terminate or suspend the employment of any such person shall do so within 24 hours of receipt of notice

from the Commission as defined in (c) below.

(c) The Commission shall, on a weekly basis, notify each casino licensee of the name, date of birth, license, registration or application number and employment eligibility status of each person whose license, registration or application has been revoked, suspended or denied by the Commission.

1. This notice shall be provided to each casino licensee by hard copy (printed) communication or electronic data transfer by no later than 3:00 p.m. each Thursday, unless Thursday is a State or Federal holiday, in which case notice shall be provided by no later than 3:00 p.m. on the first weekday thereafter that is not a State or Federal holiday.

2. Notwithstanding N.J.A.C. 19:40-3.3(d), this notice shall be deemed received by the casino licensee at 9:00 a.m. on the second weekday following the issuance of the notice, unless that weekday is a Friday or State or Federal holiday, in which case notice shall be deemed received at 9:00 on the first weekday thereafter that is not a State or Federal holiday.

As adopted, effective: 02/07/94

As amended, effective: 02/05/96

19:43-9.3 Employee reporting and recordkeeping requirements

(a) Each casino licensee shall maintain a complete, accurate and current record of each employee including, without limitation, the information in (b) below.

(b) Each casino licensee shall file the following reports with the Commission by electronic data transfer on the first and the 15th calendar day of each month:

1. For each current employee:
 - i. License or registration number, if applicable;
 - ii. Social security number, if such information has been voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C.

522a;

- iii. Last name, first name and middle initial;
 - iv. Date of birth;
 - v. Address, including zip code;
 - vi. Position, represented by a job code that corresponds with a position described in the casino licensee's approved job compendium maintained pursuant to N.J.A.C. 19:45-1.11A, except that a single job code may be used for all positions which do not require a license or registration;
 - vii. Job title as it appears in the casino licensee's approved jobs compendium and which corresponds with the job code required by (b)1vi above;
 - viii. Initial date of hire in the position indicated by the job code in (b)1vi above;
 - ix. The effective date of any change in the employee's position or job title;
 - x. The access code, if any, assigned to the employee, which code designates the restricted casino areas that the employee is permitted to enter and remain in for the purposes of performing his or her normal duties;
 - xi. The casino code assigned by the Commission to the casino licensee; and
 - xii. For any CHAB employee who does not hold a valid license or registration, whether such employee has been convicted of a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1).
2. For each individual whose employment has been terminated since the date of the most recent report filed with the Commission pursuant to this subsection:
 - i. The information in (b)1i through x above; and
 - ii. The effective date of termination.
 3. A record of any and all designations used by a casino licensee to describe categories of its employees, for example "full time," "part time," or

"seasonal," the number of employees in each such category and the total number of all employees in all categories; and

4. The date on which the information provided in the report was compiled.

As adopted, effective: 02/07/94

As amended, effective: 02/05/96

19:43-9.4 (Reserved)

Adopted, effective: 05/02/94

Repealed, effective: 06/19/95

19:43-9.5 Petitions for casino service employee registration

(a) In accordance with N.J.S.A. 5:12-91f, no casino service employee registration shall be issued by the Commission except upon the petition of a casino licensee or applicant. Such petition shall be in writing and shall include the following:

1. The name and date of birth of the applicant for registration;
2. The position in which the applicant for registration will be employed;
3. A statement by the casino licensee or applicant that it has verified that the applicant for registration is eligible to work and that it has completed the Employment Eligibility Verification Form (Form I-9) provided by the U.S. Department of Justice, Immigration and Naturalization Service; and
4. Either of the following:
 - i. A completed application for casino service employee registration as set forth in N.J.A.C. 19:41-7.1A, which shall be accompanied by a written statement, signed and dated by the applicant for registration and an authorized representative of the casino licensee or applicant, authorizing the casino licensee or applicant to file the application on behalf of the applicant for

registration; or

ii. A certification by the applicant for registration that he or she has filed a completed application with the Commission.

As adopted, effective: 06/06/94

As amended, effective: 06/19/95

19:43-9.6 Notice, verification and implementation of wage execution

(a) The Commission shall, on a weekly basis, notify each casino licensee of the name, date of birth, and, if applicable, the license or registration number of each person subject to a Commission order pursuant to N.J.A.C. 19:42-2.11A.

1. This notice shall be provided to each casino licensee by hard copy (printed) communication or electronic data transfer by no later than 3:00 p.m. each Thursday, unless Thursday is a State or Federal holiday, in which case notice shall be provided by no later than 3:00 p.m. on the first weekday thereafter that is not a State or Federal holiday.

2. Notwithstanding N.J.A.C. 19:40-3.3(d), this notice shall be deemed received by the casino licensee at 9:00 a.m. on the second weekday following the issuance of the notice, unless that weekday is a Friday or State or Federal holiday, in which case notice shall be deemed received at 9:00 a.m. on the first weekday thereafter that is not a State or Federal holiday.

(b) Upon receipt of the notice in (a) above, a casino licensee shall either:

1. Verify that, except as provided in (c)1 below, a wage execution is in place for each employee whose name appears on the list; or

2. If a wage execution is not in place for any such employee, the casino licensee shall:

i. Obtain a copy of the Commission order and relevant consent agreement or court order from the employee or immediately request copies from the Commission; and

ii. Within 10 days of receipt of the notice, implement the Commission order by remitting the required amount of the employee's wages to the agency identified in the consent agreement or court order until the amount specified has been remitted or until the employee provides evidence that the debt has been paid in full.

(c) Notwithstanding (b) above:

1. A casino licensee shall notify the Commission in writing of any prior wage execution orders, final decrees in bankruptcy proceedings or any other reason which prevents compliance with the Commission's order, including the terms and priorities of such orders or decrees.

2. A casino licensee shall be permitted, upon written notice to the Commission, to cease implementation of any consent agreement imposed pursuant to N.J.A.C. 19:42-2.11A if it receives a subsequent court order directing a wage execution for that employee or a final decree in a bankruptcy proceeding which discharges the underlying debt.

As adopted, effective: 10/07/96