

LAW AND PUBLIC SAFETY

DIVISION OF GAMING ENFORCEMENT

Gaming Operation Accounting Controls and Standards

Closed Circuit Television System; Surveillance Department Control; Surveillance Department Restrictions

Proposed amendment: N.J.A.C. 13:69D-1.10(l)

Authorized By: Mary Jo Flaherty, Interim Director, Division of Gaming Enforcement.

Authority: N.J.S.A. 5:12-69; -70(a)(11); -76(g); and 76(k).

Calendar Reference: See Summary below for an explanation of exception to calendar requirement.

Proposal Number: PRN 2024-

Submit written comments by May 2, 2025, to:

Charles F. Kimmel, Deputy Attorney General

Division of Gaming Enforcement

1300 Atlantic Avenue

Atlantic City, New Jersey 08401

or via e-mail to: RuleComments@njdge.gov

The agency proposal follows:

Summary

The proposed amendment would permit casino licensees to utilize one surveillance operator for every 40,000 square feet at certain times. Until July 1, 2024, casino licensees were required to have one surveillance operator for every 40,000 square feet of casino floor space. On July 1, 2024, the rule was amended to require one surveillance operator for every 30,000 square

feet of casino floor space unless otherwise authorized by the Division. Following discussion and review with, and input from, the industry, the Division has determined that the language of the regulation warrants refinement and that, based on a re-evaluation of patron traffic on the casino floor during non-peak hours, the Division has now determined that the requirement for one surveillance officer for every 30,000 square feet of casino floor space is appropriate and needed only on weekends and holidays, when the casinos experience more patron presence than on regular week days and there is more action and activity for each operator to cover. During the week, when there is no holiday, one operator for every 40,000 square feet of casino floor space provides sufficient surveillance coverage.

Accordingly, this amendment would require one surveillance operator for every 30,000 square feet of casino floor space generally only from 4:00 PM Friday to 10:00 PM Sunday. If there were a Monday holiday, the requirement for one operator for every 30,000 square feet of casino floor space would be extended to 10:00 PM Monday. If a State holiday were to fall on a Friday, one operator for every 30,000 square feet of floor space will be required from 4:00 PM Thursday through 10:00 PM Sunday. If there were to be a holiday that falls on a Tuesday, Wednesday, or Thursday, one operator would be required for every 30,000 square feet of casino floor space from 4:00 PM the evening before the holiday through 10:00 PM the night of the holiday. At all other times, the requirement would be to have one surveillance operator for every 40,000 square feet of casino floor space. The regulation would retain flexibility for the Division to address unique or evolving situations by the language "unless otherwise authorized by the Division" to ensure sufficient surveillance coverage.

As DGE has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment would have minimal social impact. The casino floor would remain under surveillance at all times by the number of operators required, in accordance with the determination of the Division, to adequately cover all activities on the casino floor.

Economic Impact

The proposed amendment will have a positive economic impact in that casino licensees will employ sufficient full-time employees to meet the increased demand during peak hours when the casinos experience more intensive activity, but will not need to have additional staff during less active week day and week night periods.

Federal Standards Statement

The proposed new rule would not exceed Federal standards. DGE's proposed amended rule concerns staffing levels at retail casinos. This is not governed by federal law.

Jobs Impact

The proposed amendments may have a small impact on jobs in New Jersey. Casinos will need to determine their required staffing level pursuant to the amended rule and will need to hire and employ sufficient full-time surveillance employees. As there are nine casinos with three shifts per day for 24 hour/7 day a week coverage, the possible increase in staffing required by this amendment will not have a large impact on the overall number of jobs in New Jersey or the casino industry.

Agriculture Industry Impact

The proposed amendments will have no impact on agriculture in New Jersey.

Regulatory Flexibility Analysis

The proposed amendments will only affect the operations of New Jersey casino applicants and licensees, none of which qualifies as a “small business” as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 *et seq.*, because they employ more than 100 persons full-time in the State of New Jersey. Accordingly, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The proposed amended rule will have no impact on affordable housing in New Jersey and it is very unlikely that they would evoke a change in the average costs associated with housing because the proposed amendments concern the operational requirements for retail casinos.

Smart Growth Development Impact Analysis

The proposed amendments will not have an impact on smart growth and it is extremely unlikely that they would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern the operational requirements for retail casinos.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed amendments will not have an impact on pretrial detention, sentencing,

probation, or parole policies concerning adults and juveniles in the State of New Jersey because the proposed amendments concern the operational requirements for retail casinos. This proposal does not impact on the ability of people subject to the criminal justice system to work in the casino facilities or impact on their ability to be employed by online gaming and sports wagering operators.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:69D-1.10 Closed circuit television system; surveillance department control; surveillance department restrictions

(a)–(k) (No change.)

(l) Each CCTV system operator in the monitoring room shall work from his or her own monitoring station. Minimum standards for the CCTV system used to monitor casino and casino simulcasting facility operations shall be detailed in a casino licensee's surveillance submission to be approved by the Division, which shall ensure effective casino surveillance for the casino licensee. [One] **Except as provided in (1) below, one** operator shall be required for every [30,000] **40,000** square feet of casino floor space unless otherwise authorized by the Division. Such operators shall be responsible for the casino floor and restricted locations.

(1) **One operator shall be required for every 30,000 square feet of casino floor space at the following times:**

- (i) **From Friday at 4:00 PM through Sunday at 10:00 PM;**
- (ii) **When there is State holiday falling on a Monday, from Friday at 4:00 PM through Monday at 10:00 PM;**
- (iii) **When there is a State holiday falling on a Friday, from Thursday at 4:00 PM through Sunday at 10:00 PM; and**
- (iv) **When there is a State holiday on a Tuesday, Wednesday, or Thursday, from 4:00 PM the day prior to the holiday to 10:00 PM the day of the holiday.**

(1)–(2) (Renumber as (2)–(3) (No change in text.)