

### 19:41-1.3 Employee license and registrant age requirements; eligibility to work in the United States

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. 19:41-1.1 or as a casino employee pursuant to N.J.S.A. 5:12-7 and N.J.A.C. 19:41-1.2 unless he or she is 18 years of age or older, and is a citizen of the United States or is authorized pursuant to Federal law to work in the United States. No natural person shall be employed as a casino service employee registrant pursuant to N.J.S.A. 5:12-91 unless he or she has attained the age required for employment by the laws of the state in which he or she will be employed, and is a citizen of the United States or is authorized pursuant to Federal law to work in the United States.

Amended by R.1979 d.379, effective October 19, 1979.

See: 11 N.J.R. 418(b), 11 N.J.R. 599(e).

Amended by R.1990 d.209, effective April 16, 1990 (operative June 18, 1990).

See: 22 N.J.R. 22(b), 22 N.J.R. 1271(c).

In (a): revised to include language "or the management of an approved hotel . . ." and "holds a current and valid . . .". Clarified text to specify positions that require a casino key employee license.

In (a)3: changed "supervisors" to "credit executives."

In (a)4: changed "cashiers" to "casino cashier supervisors."

In (b): revised language to specify positions that require a casino employee license. Added "restricted" to define casino. Renumbered (b)5-9 as (b).

Deleted (b)5, "Bartenders" and (b)7, "waitresses."

In new (b)5, added "and waitresses . . . areas."

Renumbered (b)6-9 as (b)5-7.

In (c): revised text to specify requirements for those positions requiring a casino hotel employee registration. In (h): added new text to specify procedures regarding renewal of license credentials.

Notice of Receipt of Petition for Rulemaking.

See: 22 N.J.R. 1635(b).

Amended by R.1990 d.448, effective September 4, 1990.

See: 22 N.J.R. 1911(a), 22 N.J.R. 2752(b).

In (f): deleted phrase, "... shall be numerically controlled ..." regarding the license holder.

Administrative Correction in (a) to correct spelling of employee.

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Casino simulcasting added.

Amended by R.1993 d.84, effective February 16, 1993.

See: 24 N.J.R. 4335(b), 25 N.J.R. 712(a).

Repealed (d) through (h), regarding display of license credentials and lost or destroyed credentials.

Amended by R.1994 d.171, effective April 4, 1994.

See: 26 N.J.R. 339(a), 26 N.J.R. 1538(b).

Amended by R.1995 d.285, effective June 5, 1995.

See: 26 N.J.R. 2218(a), 27 N.J.R. 2254(a).

Amended by R.1995 d.467, effective August 21, 1995.

See: 27 N.J.R. 2116(a), 27 N.J.R. 3222(a).

Substantially amended the section.

#### Case Notes

Casino's decision to terminate supervisors who had experience in dealing only one game did not constitute age discrimination. *Maidenbaum v. Bally's Park Place, Inc.*, D.N.J.1994, 870 F.Supp. 1254, affirmed, 67 F.3d 291.

### 19:41-1.4 Employee license credentials and access badges; display; temporary credentials; obligation to obtain renewed credentials

(a) While engaged in the performance of his or her duties on the premises of the casino hotel, each casino key employee, casino employee and casino service employee shall have the license credential issued to him or her by the Commission on his or her person at all times, and each casino key employee and casino employee shall wear in a conspicuous manner any access badge required pursuant to (b) below or, if no access badge is required, his or her license credential while present in a restricted area.

(b) Except as otherwise provided in the approved internal controls of a casino licensee submitted pursuant to N.J.A.C. 19:45-1.12A, each casino key employee and casino employee of a casino licensee shall wear in a conspicuous manner a badge or similar form of identification (an "access badge") for purposes of identifying the restricted areas in the employer's establishment to which that employee may obtain access in the course of the performance of his or her normal duties.

(c) No casino licensee shall permit a casino key employee or casino employee to perform his or her duties on the premises of the casino hotel unless the employee is wearing an access badge required by N.J.A.C. 19:45-1.12A and (b) above or, if no access badge is required, his or her license credential in accordance with (a) above.

(d) Notwithstanding (a) through (c) above, the Chairman may, upon written request by a casino licensee and upon a showing of good cause, exempt certain positions, titles or persons from the requirements of this section. The Chairman may delegate the authority to make such determinations to the Director of the Division of Licensing.

(e) Each casino licensee shall provide each casino employee and casino key employee with the access badge required pursuant to (b) above.

(f) A temporary license credential may be issued by the casino security department of a casino licensee to a casino key employee or casino employee who does not have the license credential or access badge on his or her person, or whose license credential or access badge has been stolen, lost or destroyed, to enable the employee to enter a public or restricted area to perform his or her duties, if the casino security department:

1. Verifies that the employee is listed in the casino licensee's current employee status report;
2. Verifies that the employee holds a valid license;
3. Verifies that the employee is authorized to obtain access to the public and restricted areas in which he or she will be working while in possession of the temporary license credential;

4. Confirms the above employment, access and licensure information with the supervisor of the employee;

5. Verifies that fewer than 12 temporary license credentials have been issued to the particular employee in the past 12 months; and

6. Immediately notifies the Commission inspection booth in writing that a temporary license credential has been issued, which notice shall include:

i. The name, license number and position title of the employee to whom the temporary credential was issued;

ii. A list of the public and restricted areas to which the employee may obtain access;

iii. The date and time that the temporary credential was issued; and

iv. The name and license number of the casino security department employee issuing the temporary credential.

(g) A temporary license credential issued pursuant to (f) above shall:

1. Contain the following information:

i. The name and license number of the employee to whom it was issued, and the public and restricted areas, identified in a manner approved by the Commission, to which the employee is permitted access;

ii. A conspicuous statement printed on the face thereof which provides that the credential is void 24 hours after the time of its issuance;

iii. The date and time it was issued; and

iv. The name and license number of the casino security department employee who issued it;

2. Be void 24 hours after the time of its issuance;

3. Be sequentially numbered; and

4. Be stored in the offices of the casino security department adjacent to the casino floor (the "security podium") and distributed by that department in accordance with the casino licensee's internal controls submitted to and approved by the Commission in accordance with N.J.A.C. 19:43-9.1(a)8.

(h) No more than 12 temporary license credentials shall be issued to an employee in a 12-month period.

(i) Any holder of a Commission license credential or an access badge shall promptly report the loss or destruction of:

1. A Commission license credential to the Commission through its Division of Licensing; and

2. An access badge to the casino security department of the casino licensee by which such holder is employed.

(j) As soon as possible following the loss or destruction of a license credential or an access badge, the person to whom the license credential or access badge was originally issued shall apply to:

1. The Commission for a replacement license credential; and

2. The department of the casino licensee responsible for the issuance of replacement access badges in accordance with the casino licensee's internal controls for a replacement access badge.

Repealed by R.1978 d.176, effective May 25, 1978.

See: 10 N.J.R. 211(b), 10 N.J.R. 306(b).

Section was "Labor organization registrations".

New Rule, R.1993 d.84, effective February 16, 1993.

See: 24 N.J.R. 4335(b), 25 N.J.R. 712(a).

Amended by R.1993 d.163, effective April 19, 1993 (operative July 1, 1993).

See: 25 N.J.R. 276(a), 25 N.J.R. 1778(a).

Deleted subsection (i) from rule text.

Amended by R.1994 d.265, effective June 6, 1994.

See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

Amended by R.1995 d.591, effective November 20, 1995.

See: 27 N.J.R. 3146(a), 27 N.J.R. 4729(a).

Amended by R.1996 d.69, effective February 5, 1996.

See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

Amended by R.1996 d.560, effective December 2, 1996.

See: 28 N.J.R. 3899(a), 28 N.J.R. 5080(b).

Amended by R.1999 d.72, effective March 1, 1999.

See: 30 N.J.R. 1396(a), 31 N.J.R. 672(a).

Rewrote (a) through (c).

#### Case Notes

Good character, honesty and integrity for licensure as casino employee was established notwithstanding previous egregious defiance of regulatory system. Application of Tran, 95 N.J.A.R.2d (CCC) 5.

Casino key employee license of attorney in good standing was granted notwithstanding prior impropriety of casino hotel employee registration. Application of Lavigna, 95 N.J.A.R.2d (CCC) 1.

#### 19:41-1.5 Scope and applicability of employee licensing and registration requirements

(a) In determining whether a natural person who will provide services to a casino licensee or applicant must hold a license or registration as an employee or, alternatively, be registered as a vendor or junket enterprise pursuant to N.J.A.C. 19:43-10.4, it shall be presumed that any such person will be required to hold the appropriate license or registration 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 an employee license or registration 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.

**19:41-5.18 Casino Hotel Alcoholic Beverage Permit Application Form**

(a) A Casino Hotel Alcoholic Beverage (CHAB) Permit Application Form shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

1. The type of permit requested;
2. The name and address of the organization or business applying for the permit;
3. The name, address, and telephone number of a person to be contacted in reference to the permit;
4. Documentation to prove eligibility for a permit, which may include the following:
  - i. Federal or State tax exemption number;
  - ii. A copy of the applicant's certificate of incorporation;
  - iii. A copy of the applicant's charter, constitution or by-laws; or
  - iv. Any other information the Commission may deem appropriate.
5. The name of the CHAB licensed facility and the room location where the event will take place;
6. The dates and times when the permit will be in effect;
7. A description of the circumstances, events or purpose for which the permit is requested;
8. A description of the activities that will involve the sale, service, delivery or storage of alcoholic beverages;
9. A listing of the alcoholic beverages required for the event and a description of how they will be purchased;
10. A description of any fees charged and how the proceeds will be used;
11. A description of the measures to be taken to ensure that persons under the legal age do not consume alcohol;
12. A summary of what will take place during the event;
13. An acknowledgement of the conditions and terms of the permit, signed and dated by a representative of the applicant; and
14. A certification and agreement signed and dated by a representative of the CHAB licensee where the event will be held.

New Rule, R.1999 d.14, effective January 19, 1999.  
See: 30 N.J.R. 3768(a), 31 N.J.R. 142(a).

**SUBCHAPTER 6. (RESERVED)**

**Subchapter Historical Note**

Subchapter 6, Statements of Compliance, was repealed by R.1996 d.352, effective August 5, 1996. See: 28 N.J.R. 2350(a), 28 N.J.R. 3817(b).

**SUBCHAPTER 7. INFORMATION**

**19:41-7.1 Affirmative responsibility to establish qualifications**

It shall be the affirmative responsibility and continuing duty of each applicant, licensee and registrant to produce such information, documentation and assurances as may be required to establish by clear and convincing evidence his qualifications in accordance with the Act and regulations of the Commission. No application shall be granted to any applicant who fails to so prove his qualifications.

**Case Notes**

Burden of proof on applicant to show licensure qualification. In re: Martin, 90 N.J. 295 (1982).

**19:41-7.1A Application for the issuance of employee licenses or registrations and natural person qualification**

(a) An application for the initial issuance of an employee license or registration or for individual qualification shall include the following:

1. A completed original and one photocopy of the appropriate Personal History Disclosure (PHD) Form or Qualifier Disclosure Form (QDF), as follows:

i. An applicant for a casino key employee license shall file a PHD-1B as set forth in N.J.A.C. 19:41-5.3;

ii. An applicant for a casino employee license or junket representative license shall file a PHD-2A as set forth in N.J.A.C. 19:41-5.4;

iii. An applicant for a casino service employee registration shall file a PHD-4A as set forth in N.J.A.C. 19:41-5.5;

iv. An applicant required to qualify pursuant to N.J.S.A. 5:12-85c or e by virtue of his or her position with a casino licensee or applicant shall file the PHD Form required by N.J.A.C. 19:43-2.6;

v. An applicant required to qualify pursuant to N.J.S.A. 5:12-85c, d, or e by virtue of his or her position with a holding company or intermediary company of a casino licensee or applicant shall file the PHD Form required by N.J.A.C. 19:43-2.7;

vi. An applicant required to qualify pursuant to subsections 92a and b of the Act by virtue of his or her

position with a casino service industry enterprise or gaming school shall file a Gaming QDF as set forth in N.J.A.C. 19:41-5.2;

vii. An applicant required to qualify pursuant to subsection 92c of the Act by virtue of his or her position with a casino service industry enterprise shall file a QDF as set forth in N.J.A.C. 19:41-5.9. If such enterprise is required to be licensed pursuant to N.J.A.C. 19:51-1.2A(f), the applicant shall also provide two copies of his or her Federal tax returns and related documents;

viii. An applicant required to qualify pursuant to N.J.S.A. 5:12-93 by virtue of his or her position with a labor organization or affiliate shall file a Labor Organization Individual Disclosure Form as set forth in N.J.A.C. 19:41-5.14; and

ix. An applicant required to qualify pursuant to N.J.S.A. 5:12-102c by virtue of his or her position with a junket enterprise shall file a JE/QDF as set forth in N.J.A.C. 19:41-5.3.

2. The documents required for identification by N.J.A.C. 19:41-7.2A;

3. A photograph of the applicant, taken within the preceding 12 months, which shall be attached to the original disclosure form;

4. Except as otherwise provided by N.J.A.C. 19:41-7.7, a certification by the Division that the applicant has been fingerprinted in accordance with that section; and

5. Any applicable fee required by N.J.A.C. 19:41-9.11, 9.11A, 9.12, 9.13, 9.14 or 9.15.

(b) Each applicant shall file a complete application pursuant to (a) above with the Commission by mail or in person at the address specified in N.J.A.C. 19:40-3.5(b) and (c), except as otherwise provided in N.J.A.C. 19:41-7.1B.

(c) A casino key employee licensee or casino employee licensee may downgrade his or her current license at renewal in accordance with N.J.A.C. 19:41-14.4.

(d) Except as provided in (e) below, no application shall be accepted for filing unless it includes all application 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.

(e) An applicant for individual qualification shall provide the documents required by (a)2 above upon the request of the Division.

New Rule, R.1994 d.280, effective June 6, 1994.  
See: 26 N.J.R. 1321(a), 26 N.J.R. 2474(a).  
Amended by R.1995 d.283, effective June 5, 1995.  
See: 27 N.J.R. 1165(a), 27 N.J.R. 2252(a).  
Amended by R.1995 d.306, effective June 19, 1995.  
See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).  
Amended by R.1995 d.307, effective June 19, 1995.  
See: 27 N.J.R. 1168(a), 27 N.J.R. 2458(a).

Amended by R.1995 d.621, effective December 4, 1995.

See: 27 N.J.R. 319(a), 27 N.J.R. 4910(a).

Amended by R.1997 d.1, effective January 6, 1997.

See: 28 N.J.R. 4570(a), 29 N.J.R. 157(a).

In (a)1i, amended N.J.A.C. reference; and, in (a)1ii, deleted reference to gaming school employee license.

Amended by R.1998 d.112, effective March 2, 1998.

See: 29 N.J.R. 4079(a), 30 N.J.R. 866(a).

In (a)1, added a reference to Gaming QDF in iv, and added ix; and in (a)3 and (c), substituted "disclosure form" for "PHD Form or QDF".

Amended by R.1999 d.360, effective October 18, 1999.

See: 31 N.J.R. 2151(a), 31 N.J.R. 3105(a).

Inserted a new (c); recodified former (c) and (d) as (d) and (e); and in the new (d), substituted a reference to (e) for a reference to (d).

### 19:41-7.1B Application for casino service employee registration; filing requirements

(a) No casino service employee registration shall be issued by the Commission unless:

1. The applicant for registration has an offer of employment from a casino licensee or applicant; and

2. A petition requesting that the Commission issue the registration has been filed by the casino licensee or applicant pursuant to N.J.A.C. 19:43-9.5

(b) A completed application for casino service employee registration as set forth in N.J.A.C. 19:41-7.1A shall be filed as follows:

1. The applicant for registration may provide the casino licensee or applicant with his or her written authorization to file the application on his or her behalf pursuant to N.J.A.C. 19:43-9.5(a)4; or

2. The applicant for registration may submit the complete application directly to the Commission by mail or in person at the address specified in N.J.A.C. 19:40-3.5(b) and (c), provided that:

i. The application is accompanied by a written offer of employment from a casino licensee or applicant; and

ii. The applicant provides the casino licensee or applicant with a signed and dated certification stating that he or she has filed a completed application with the Commission.

New Rule, R.1994 d.280, effective June 6, 1994.

See: 26 N.J.R. 1321(a), 26 N.J.R. 2474(a).

Amended by R.1995 d.306, effective June 19, 1995.

See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

### 19:41-7.2 Duty to disclose and cooperate

It shall be the affirmative responsibility and continuing duty of each applicant, licensee, registrant and person required to be qualified to provide all information, documentation and assurances pertaining to qualifications required or requested by the Commission or Division and to cooperate with the Commission and Division in the performance of their duties. Any refusal by any such person to comply with a formal request for information, evidence or testimony shall be a basis for denial, revocation or disqualification. No application shall be granted to any applicant who fails to provide information, documentation and assurances required by the Act or requested by the Commission or who fails to reveal any fact material to qualification.

## Case Notes

Christine Paul v. Division of Gaming Enforcement, 2 N.J.A.R. 341 (1979). Patsy N. Marino v. Division of Gaming Enforcement, 2 N.J.A.R. 176 (1980). Bradford Woodard v. Division of Gaming Enforcement, 2 N.J.A.R. 231 (1980). In re Antonio Tufi, OAL Dkt. CCC 4660-70 (August 8, 1980), modified, CCC Dkt. 79-EA-149 (November 25, 1980), affirmed, N.J. App. Div., February 10, 1982, A-1541 80T1. Barbara A. Callabrese D'Ascenso v. Division of Gaming Enforcement, 2 N.J.A.R. 92 (1980).

**19:41-7.2A Identification**

(a) Each natural person who seeks to apply for a license or registration under the Act or who seeks permission to obtain employment as a CHAB employee pursuant to N.J.A.C. 19:41-8.11 shall establish his or her identity to a reasonable certainty.

(b) A natural person may establish his or her identity pursuant to (a) above by providing either:

1. One of the following authentic documents:

- i. A current United States passport;
- ii. A Certificate of United States Citizenship, or a Certificate of Naturalization, issued by the United States Department of Justice, Immigration and Naturalization Service (INS); or
- iii. A current INS alien registration card which contains a photograph and fingerprints; or

2. Any two of the following authentic documents:

- i. A certified copy of a birth certificate issued by a state, county or municipal authority in the United States bearing an official seal;

ii. A current driver's license containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

iii. A current identification card issued to persons who serve in the United States military or their dependents by the United States Department of Defense containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

iv. A current student identification card containing a photograph, an expiration date, the seal or logo of the issuing institution, and the signature of the card holder;

v. A current identification card issued by a federal, state or local government agency containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

vi. A current identification card issued by INS containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address; or

vii. An unexpired foreign passport with an authorization issued by the INS.

(c) Any natural person may request that the Commission change the name designated on his or her application, license or registration by establishing identity pursuant to (b) above or by providing a certificate of marriage, a divorce decree or court order from this or any other state, which evidences the requested name change.