

19:41-1.3 Employee licensee 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.

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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Repealed (d) through (h), regarding display of license credentials and lost or destroyed credentials.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) Each casino key employee, casino employee and casino service employee shall have the license or registration credential issued to him or her by the Commission on his or her person at all times while engaged in the performance of his or her duties.

(b) Each employee of a casino licensee shall wear in a conspicuous manner a badge or similar form of identification (an "access badge") as required pursuant to his or her employer's internal controls submitted in accordance with N.J.A.C. 19:43-9.1(a)9 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 work in a public or restricted area

unless the employee is wearing the access badge required by (b) 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).

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.