

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.

New Rule, R.1996 d.473, effective October 7, 1996.
See: 28 N.J.R. 2806(a), 28 N.J.R. 4515(a).

SUBCHAPTER 10. REQUIREMENTS FOR DOING BUSINESS WITH VENDORS**19:43-10.1 Requirements for doing business; Active Vendors Record; Prohibited Vendors Record**

(a) No agreement entered into with any person by or on behalf of a casino licensee or applicant shall be performed or in force or effect unless the casino licensee or applicant has filed a Master Purchasing and Disbursement Report, and:

1. The person is licensed as a casino service industry pursuant to N.J.S.A. 5:12-92a or c, is an applicant for a casino service industry license pursuant to N.J.S.A. 5:12-92c, or is an applicant for a casino service industry license pursuant to N.J.S.A. 5:12-92a or N.J.S.A. 5:12-92c and N.J.A.C. 19:51-1.2A(b) and has been granted a transactional waiver pursuant to N.J.A.C. 19:51-1.2B; or

2. The appropriate filings have been submitted on behalf of the person in accordance with N.J.A.C. 19:43-10.4 or the Commission has exempted the transaction from such filing requirements pursuant to N.J.A.C. 19:43-10.5.

(b) The Commission shall maintain an Active Vendors Record of persons with whom a casino licensee or applicant may do business for the reasons set forth in (a) above.

(c) Notwithstanding any other provision of this subchapter no casino licensee or applicant shall enter into an agreement with any person who:

1. Has been found disqualified pursuant to N.J.S.A. 5:12-86;

2. Has failed to comply with the filing requirements of N.J.A.C. 19:43-10.4;

3. Has been subject to a suspension, revocation or denial of a casino service industry license or dismissal of an application pursuant to N.J.A.C. 19:41-9.3 or 19:51-1.5 or 1.10;

4. Is restricted from application pursuant to N.J.A.C. 19:41-8.6 or 19:51-1.2A(h); or

5. Has been temporarily prohibited from doing business with casino licensees and applicants pursuant to N.J.A.C. 19:42-3.

(d) The Commission shall maintain a Prohibited Vendors Record of persons with whom casino licensees and applicants are prohibited from doing business for the reasons set forth in (c) above. Such record shall be made available to casino licensees and applicants on a regular basis.

(e) No person shall be removed from the Prohibited Vendors Record except as follows:

1. By order of the Commission;
2. Upon expiration of the applicable period of restriction; or
3. For a person who is placed on the Prohibited Vendors Record for failure to comply with all applicable filing requirements, upon compliance therewith or after a period of five years from the date of prohibition unless the Commission determines that such person should remain on the Record to protect the public interest and further the policies set forth in N.J.S.A. 5:12-1(b)6, 1(b)9, 92 and 104.

New Rule, R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

Amended by R.1997 d.36, effective January 21, 1997.

See: 28 N.J.R. 4411(a), 29 N.J.R. 378(a).

In (c)5, amended N.J.A.C. reference.

Amended by R.1999 d.417, effective December 6, 1999.

See: 31 N.J.R. 1917(a), 31 N.J.R. 4123(a).

Rewrote (e).

19:43-10.2 Maintaining agreements; filing of agreements

(a) Pursuant to N.J.S.A. 5:12-104b, each casino licensee or applicant shall be required to maintain a fully signed copy of every written agreement and records with respect to any unwritten agreement, which provide, at a minimum, the terms thereof, the parties thereto and a description of the goods or services provided regarding the following, whether or not the casino licensee or applicant is a party to such agreement and whether or not the agreement provides for the exchange of direct compensation:

1. The realty of the casino hotel or related facility, including construction, maintenance, renovation, expansion or demolition;
2. Any person doing business with or for the benefit of the casino licensee or applicant; or
3. Any person doing business on the premises of the casino hotel.

(b) Each casino licensee or applicant shall submit a copy of any written agreement or a precise written description of any unwritten agreement for which records are maintained pursuant to (a) above upon oral or written request from the Commission based upon a determination that such filing is necessary to protect the public interest and accomplish the policies of the Act.

(c) Except as provided in (d) below, each casino licensee or applicant shall submit to the Commission a copy or a precise written description of the following:

1. Any agreement subject to (a) above or any material amendment thereto, which agreement or amendment specifically provides for payments of \$75,000 or more during any 12-month period; or

2. Any agreement subject to (a) above which includes as a party, an independent producer who shall receive revenue from ticket sales for public entertainment held at a casino hotel.

(d) An agreement that is otherwise subject to (c) above shall not be required to be submitted to the Commission if:

1. The agreement is with a casino service industry licensee or applicant or a person who has been exempted from casino service industry licensure pursuant to N.J.S.A. 5:12-92c; or
2. The agreement involves a transaction which has been exempted from vendor registration pursuant to N.J.A.C. 19:43-10.5.

(e) Any written description submitted pursuant to this section shall be submitted to the Commission's Enterprise License Bureau at the address specified in N.J.A.C. 19:40-3.1 and shall provide, at a minimum, the following:

1. The nature of the goods or services to be provided to the casino licensee or applicant;
2. The full name and business address of the noncasino party to the agreement;
3. The duration of the agreement or, if provided in the agreement, the specific date or dates of performance; and
4. The financial terms of the agreement.

(f) An agreement submitted pursuant to (c) above shall be filed as follows:

1. An agreement with any enterprise listed on the Active Vendors Record shall be filed no later than 20 calendar days following the date of execution of any written agreement or the date of acceptance of an unwritten agreement; and
2. An agreement with an enterprise not listed on the Active Vendors Record shall be filed at the time that a Vendor Registration Form is filed for that enterprise in accordance with N.J.A.C. 19:43-10.4.

Recodified from 19:41-11.1 and amended by R.1994 d.220, effective May 2, 1994.

See: 26 N.J.R. 339(b), 26 N.J.R. 1847(b).

Amended by R.1995 d.496, effective September 5, 1995.

See: 27 N.J.R. 2572(a), 27 N.J.R. 3396(a).

Amended by R.1997 d.282, effective July 7, 1997.

See: 28 N.J.R. 5167(a), 29 N.J.R. 2846(a).

In (a)1, inserted reference to demolition.

Amended by R.1998 d.123, effective March 2, 1998.

See: 29 N.J.R. 4670(a), 30 N.J.R. 867(a).

Added new (c) through (f).

19:43-10.3 Review of agreements and records of agreements; termination upon disapproval

(a) The Commission may review each agreement and record maintained or filed pursuant to N.J.A.C. 19:43-10.2 to determine the following: