

**CHAPTER 41
APPLICATIONS**

Authority

N.J.S.A. 5:12-63c, 69a, 70a-c, 70e, 89, 90, 91, 92, 93, 139 and 141.

Source and Effective Date

R.2005 d.148, effective April 15, 2005.
See: 37 N.J.R. 427(b), 37 N.J.R. 1754(a).

Chapter Expiration Date

Chapter 41, Applications, expires on April 15, 2010.

Chapter Historical Note

Chapter 41, Applications, was adopted as R.1977 d.475, effective December 15, 1977. See: 9 N.J.R. 545(b), 10 N.J.R. 4(d).

Subchapter 12, Labor Organization Registration, was adopted as R.1978 d.176, effective May 25, 1978. See: 10 N.J.R. 211(b), 10 N.J.R. 306(b).

Subchapter 11, Applications by Casino Licensees for Approval of Agreements, was adopted as R.1978 d.177, effective May 25, 1978. See: 10 N.J.R. 212(b), 10 N.J.R. 306(c).

Subchapter 13, Casino License Conservatorship, was adopted as R.1979 d.207, effective May 24, 1979. See: 11 N.J.R. 213(b), 11 N.J.R. 360(b).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.1983 d.181, effective May 17, 1983. Subchapter 5, Equal Employment Opportunity; Affirmative Action Programs, was repealed by R.1983 d.181, effective June 6, 1983. See: 15 N.J.R. 532(b), 15 N.J.R. 931(b).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.1988 d.255, effective May 12, 1988. See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

Subchapter 10, Professional Practice, was repealed by R.1989 d.495, effective September 18, 1989. See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

Subchapter 2, Casino Hotel Facilities, and Subchapter 13, Casino License Conservatorship, were recodified as N.J.A.C. 19:43-6 and 19:43-13, by R.1992 d.500, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

Subchapter 14, Applications for the Renewal of Employee Licenses, was adopted as R.1993 d.34, effective January 19, 1993, operative July 1, 1993. See: 24 N.J.R. 2133(a), 25 N.J.R. 345(b).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.1993 d.205, effective April 15, 1993. See: 25 N.J.R. 916(b), 25 N.J.R. 1999(a).

Subchapter 5, Forms, was adopted as new rules by R.1993 d.429, effective September 7, 1993. See: 25 N.J.R. 2655(a), 25 N.J.R. 4120(a).

Subchapter 11, Agreements To Do Business with Casino Licenses, was in part repealed and in part recodified to N.J.A.C. 19:43-10 by R.1994 d.220, effective May 2, 1994. See: 26 N.J.R. 339(b), 26 N.J.R. 1847(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.1995 d.242, effective April 13, 1995. See: 27 N.J.R. 647(a), 27 N.J.R. 2011(a).

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).

Pursuant to Executive Order No. 66(1978), Chapter 41, Applications, was readopted as R.2000 d.196, effective April 13, 2000, and Subchapter 3, Persons Required To Be Qualified, was repealed by R.2000 d.196, effective May 15, 2000. See: 32 N.J.R. 645(a), 32 N.J.R. 1784(b).

Chapter 41, Applications, was readopted as R.2005 d.148, effective April 15, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. LICENSE AND REGISTRATION REQUIREMENTS

19:41-1.1 Persons required to obtain a casino key employee license

(a) Any natural person who will be employed by a casino licensee in a position that includes any responsibility or authority listed below, regardless of job title, shall be required to hold, prior to such employment, a current and valid casino key employee license issued in accordance with N.J.S.A. 5:12-89:

1. The supervision of specific areas of casino or simulcasting operations. Such positions shall include, without limitation, persons who:

- i. Function as a table games shift manager in accordance with N.J.A.C. 19:45-1.12(b)8;
- ii. Function as a pit boss in accordance with N.J.A.C. 19:45-1.12(b)6;
- iii. Function as a poker shift supervisor in accordance with N.J.A.C. 19:45-1.12(b)7;
- iv. Function as a slot shift manager in accordance with N.J.A.C. 19:45-1.12(h)4;
- v. Supervise the repair and maintenance of slot machines and bill changers;

vi. Supervise surveillance investigations or the operation of the surveillance department during a shift;

vii. Supervise security investigations or the operation of the security department during a shift;

viii. Function as a cage manager in accordance with N.J.A.C. 19:45-1.11(b)7;

ix. Supervise the operation of the cashiers' cage, table games cage or slot machine cage during a shift. Persons who supervise the operation of a cashiers' cage, table games cage or slot machine cage, in a position directly subordinate to the cage shift manager, shall be required to obtain a key license where the organization of the cage operations, the size of the casino operation, the nature and volume of the transactions performed by the cage and the number and locations of cage operations indicate that such person exercises a comparable level of responsibility and authority;

x. Supervise the hard count or soft count room or function as a count room supervisor in accordance with N.J.A.C. 19:45-1.33 or 1.43;

xi. Supervise the patron check collection unit;

xii. Function as a simulcast counter shift supervisor in accordance with N.J.A.C. 19:45-1.12(i)2; or

xiii. Function as a keno manager;

2. The authority to develop or administer policy or long-range plans or to make discretionary decisions regulating casino or simulcast facility operations. Such positions shall include, without limitation, persons who:

i. Function as an officer or comparable non-corporate employee of the casino licensee;

ii. Function as a casino manager in accordance with N.J.A.C. 19:45-1.11(b)4 and 1.12(a);

iii. Function as a slot department manager in accordance with N.J.A.C. 19:45-1.11(b)4 and 1.12(h)5;

iv. Function as a director of surveillance in accordance with N.J.A.C. 19:45-1.11(b)1;

v. Function as a director of security in accordance with N.J.A.C. 19:45-1.11(b)6;

vi. Function as a controller in accordance with N.J.A.C. 19:45-1.11(b)7;

vii. Function as a credit manager in accordance with N.J.A.C. 19:45-1.11(b)5;

viii. Function as an audit department executive in accordance with N.J.A.C. 19:45-1.11(b)2;

ix. Function as an MIS department manager in accordance with N.J.A.C. 19:45-1.11(b)3;

x. Manage a marketing department;

xi. Function as an assistant manager of a mandatory casino department;

xii. Function as an equal opportunity officer in accordance with N.J.S.A. 5:12-134 and 135 and N.J.A.C. 19:53-1.4; or

xiii. Manage casino administrative operations; or

3. The authority to develop or administer policy or long-range plans or to make discretionary decisions regulating the management of an approved hotel. Such positions shall include, without limitation, persons who:

i. Manage the operation of the hotel;

ii. Manage the entertainment activities of the casino licensee;

iii. Manage the food and beverage operations of the casino licensee; and

iv. Manage the human resource activities of the casino licensee.

(b) In addition to the persons required to hold a casino key employee license pursuant to (a) above, any natural person who will be employed in a position designated by the Commission, for reasons consistent with the policies of the Act, as a casino key employee in the jobs compendium of a casino licensee shall be required to hold, prior to such employment, a current and valid casino key employee license issued in accordance with N.J.S.A. 5:12-89. Such positions shall include, without limitation, any employee of a casino licensee who:

1. Is required to be qualified pursuant to N.J.S.A. 5:12-85c;

2. Will provide legal representation for the casino licensee in matters before the Commission or provide legal counsel regarding compliance with the Act or the rules of the Commission;

3. Will purchase or contract for goods and services involving an annual expenditure of \$10,000 or more;

4. May authorize the issuance of patron credit;

5. May authorize the issuance of cash complimentary in the amount of \$10,000 or more in accordance with N.J.A.C. 19:45-1.9B; or

6. Will supervise an employee who is required to be licensed as a casino key employee.

New Rule, R.1995 d.467, effective August 21, 1995.

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

Administrative Correction.

See: 28 N.J.R. 1403(a).

Amended by R.1997 d.447, effective October 20 1997.

See: 29 N.J.R. 2811(a), 29 N.J.R. 4560(a).

In (a)1x, added "or function as a count room supervisor in accordance with N.J.A.C. 19:45-1.33 or 1.43".

Amended by R.1998 d.18, effective January 5, 1998.

See: 29 N.J.R. 3432(b), 30 N.J.R. 112(b).

Deleted (a)2x; recodified existing (a)2xi through (a)2xiv as (a)2x through (a)2xiii; deleted (b)6; and recodified existing (b)7 as (b)6. Amended by R.2003 d.117, effective March 17, 2003.
See: 34 N.J.R. 3941(a), 35 N.J.R. 1428(a).

In (a)1xiii, deleted "or keno shift supervisor".

Historical Note

A former N.J.A.C. 19:41-1.1, "Casino licenses" was repealed by R.1992 d.500, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a).

Case Notes

Casino key employee license; rehabilitation. Application of Tufi for a Casino Key Employee License, 95 N.J.A.R.2d (CCC) 18.

19:41-1.2 Persons required to obtain a casino employee license

(a) Any natural person who will be employed in the operation of a licensed casino or a simulcasting facility, or whose employment duties predominantly involve the maintenance or operation of gaming activity or equipment and assets associated therewith, or regularly requires work in a restricted casino area shall be required to hold, prior to such employment, a current and valid casino employee license issued in accordance with N.J.S.A. 5:12-90 unless a casino key employee license is otherwise required by N.J.S.A. 5:12-9 and N.J.A.C. 19:41-1.1. Such positions shall include, without limitation, persons who:

1. Function as a dealer in accordance with N.J.A.C. 19:45-1.12(b)2;
2. Function as a boxperson in accordance with N.J.A.C. 19:45-1.12(b)4;
3. Function as a floorperson in accordance with N.J.A.C. 19:45-1.12(b)5;
4. Perform, under the supervision of an audit department executive, the duties and responsibilities of the internal audit department in accordance with N.J.A.C. 19:45-1.11(b)2, including, without limitation, the supervision of personnel in the internal audit department; the monitoring of compliance with regulations and internal controls; and the evaluation of the adequacy of accounting and administrative controls;
5. Perform, under the supervision of a controller, the duties and responsibilities of the casino accounting department in accordance with N.J.A.C. 19:45-1.11(b)7 including, without limitation, the supervision of personnel in the casino accounting department; overseeing the review, verification and recordation of casino revenue journal entries; and the processing or control of active accounting documents related to casino gaming activity.
6. Have access to active accounting documents related to casino gaming activity;
7. Conduct surveillance investigations and operations in accordance with N.J.A.C. 19:45-1.11(b)1;

8. Repair and maintain slot machines and bill changers in accordance with N.J.A.C. 19:45-1.12(h)1;
9. Assist in the operation of slot machines and bill changers, including, without limitation, persons who participate in manual jackpot payouts and fill payout reserve containers, or supervise such persons in accordance with N.J.A.C. 19:45-1.12(h)3;
10. Participate in the operation of simulcast wagering or keno wagering, including a keno supervisor as required by N.J.A.C. 19:45-1.12(j)2;
11. Identify patrons or groups of patrons to receive complimentary based on actual patron play, authorize such complimentary or determine the amount of such complimentary;
12. Function as a junket representative as defined in N.J.S.A. 5:12-29.2 and N.J.A.C. 19:49-2.1;
13. Analyze casino operations data and make recommendations to casino key employee personnel relating to, without limitation, casino marketing, complimentary, junkets, gaming, casino simulcasting, keno wagering, special events, promotions and player ratings;
14. Enter data in gaming-related computer systems or develop, maintain, install or operate gaming-related computer software systems;
15. Collect and record, pursuant to N.J.A.C. 19:45-1.29, patron checks and personal checks which are dishonored and returned by a bank;
16. Develop marketing programs to promote casino gaming including, without limitation, coupon redemption and other complimentary distribution programs;
17. Distribute, redeem, account for, inventory, or assign for distribution coupons that are considered in the calculation of gross revenue as defined in N.J.A.C. 19:40-1.2, provided, however, that:
 - i. Employees whose duties and responsibilities are limited to the nondiscretionary distribution of coupons to patrons shall not be required to obtain a license; and
 - ii. Notwithstanding (a)27 below, any person who supervises an employee exempted from licensure by (a)17i above shall be required to obtain a casino employee license;
18. Process or maintain information on credit applications or the redemption of counterchecks;
19. Process coins, currency, gaming chips, gaming plaques, slot tokens or cash equivalents;
20. Repair or maintain the closed circuit television system equipment that is required by N.J.A.C. 19:45-1.10 as an employee of the surveillance department;
21. Are being trained to become a surveillance employee pursuant to N.J.A.C. 19:41-1.2A(b);

22. Provide physical security in a casino, casino simulcasting facility or restricted casino area;

23. Control and maintain the slot machine inventory, including replacement parts, equipment and tools used to maintain slot machines;

24. Perform as the secretary to the supervisor of the surveillance department, internal audit department, casino accounting department or credit department;

25. Repair gaming equipment other than slot machines;

26. Perform responsibilities associated with the installation, maintenance or operation of computer hardware for casino computer systems; and

27. Supervise a person required to be licensed as a casino employee.

(b) Any person who holds a current and valid casino key employee license may perform the duties and responsibilities of any position that requires a casino employee license.

New Rule, R.1995 d.467, effective August 21, 1995.

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

Amended by R.1998 d.18, effective January 5, 1998.

See: 29 N.J.R. 3432(b), 30 N.J.R. 112(b).

Amended by R.2002 d.207, effective July 1, 2002.

See: 34 N.J.R. 1249(a), 34 N.J.R. 2336(b).

In (a), rewrote 17.

Amended by R.2003 d.117, effective March 17, 2003.

See: 34 N.J.R. 3941(a), 35 N.J.R. 1428(a).

In (a), rewrote 10.

Historical Note

A former N.J.A.C. 19:41-1.2, "Casino service industry licenses" was repealed by R.1992 d.412, effective October 19, 1992. See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

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

(a) No natural person shall be employed by a casino licensee in any capacity unless he or she is a citizen of the United States or can demonstrate that he or she holds a current and valid work authorization issued by the United States Department of Justice, Immigration and Naturalization Service and is not restricted from working in the capacity for which employment is sought. "Authorization to work in the United States" may be demonstrated by the presentation of a permanent resident alien card, a temporary employment authorization card or any other such documentation submitted by an applicant which the Commission determines to provide sufficient evidence of such authorization.

(b) 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.

(c) No natural person shall perform the functions of a casino service employee registrant pursuant to N.J.S.A. 5:12-11.1 unless he or she has attained the age required for such employment by the laws of the state in which he or she will be employed.

(d) No natural person under 18 years of age shall perform the functions of a casino service employee in any casino alcoholic beverage location, as set forth in N.J.A.C. 19:50-1.4, unless such employment is otherwise authorized by N.J.A.C. 13:2-14.

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.

Amended by R.2000 d.62, effective February 22, 2000.

See: 31 N.J.R. 3940(a), 32 N.J.R. 717(b).

Substituted "perform the functions of" for "be employed as" following "shall" and changed N.J.S.A. reference in the second sentence, and added a third sentence.

Amended by R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).

See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).

Inserted a new (a); added paragraph identifiers (b) through (d); in (b) through (d), deleted references to citizen of United States.

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.

19:41-1.3A Credentials

The credential issued to casino key employees, casino employees and casino service employees shall contain the inscription "State of New Jersey Casino Control Commission," the seal of the State of New Jersey, a picture of the licensee or registrant, a license or registration number, the type of license or registration and an expiration date. Credentials shall also include the signature of the licensee or registrant and the following information: name, address, date of birth, sex, height, weight, hair color and eye color and indicate whether the licensee or registrant requires work authorization from the United States Department of Justice, Immigration and Naturalization Service.

New Rule R.2003 d.18, effective January 6, 2003 (operative January 20, 2003).
See: 34 N.J.R. 3174(a), 35 N.J.R. 273(a).

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