

**AMENDMENTS TO NGC REGULATION 5 – OPERATION
OF GAMING ESTABLISHMENTS**

(Adopted: 11/20/03. Effective: 01/01/04)

NGC Regulation 5.100 to 5.108, inclusive, repealed and replaced as follows:

5.100 Definitions. As used in Regulations 5.100 to 5.109, inclusive:

1. “Applicant” means a person who has submitted an application for registration or renewal of registration as a gaming employee and, unless otherwise indicated, also means a person who has filed a change of employment notice.

2. ”Application for registration” means an application package containing all the components of a complete application for registration or renewal of registration as a gaming employee consisting of:

(a) The form for application;

(b) Two sets of fingerprints of the applicant or, if applicable, proof that the applicant’s fingerprints were submitted electronically or by another means to the Central Repository for Nevada Records of Criminal History;

(c) The fee or a voucher guaranteeing payment of the fee for processing the application for registration; and

(d) The statement prescribed in subsections 1 and 2 of NRS 463.3351.

Unless otherwise indicated, an “application for registration” also means the change of employment notice prescribed by the board.

3. “Form for application” means the application form prescribed by the board for registration or renewal of registration as a gaming employee and, unless otherwise indicated, also means the change of employment notice form prescribed by the board.

5.101 Registration required.

1. No person shall be employed as a gaming employee, or serve as an independent agent if a resident of this state, unless such person is temporarily registered or registered as a gaming employee in accordance with NRS 463.335 and these regulations.

2. Any person who holds a valid work permit issued before January 1, 2004 shall be deemed to be registered as a gaming employee on January 1, 2004, and the registration of such person shall be deemed to expire on the expiration date set forth on the work permit, unless objected to by the board, suspended or revoked. If there is no expiration date set forth on the work permit, the registration of such person shall be deemed to expire on the person's birthday in 2005, unless objected to by the board, suspended or revoked.

5.102 Temporary registration.

1. A person is deemed temporarily registered as a gaming employee upon submission of an application for registration to the licensee for which he will commence or continue working as a gaming employee, unless otherwise prescribed by the chairman.

2. Temporary registration as a gaming employee is valid for a period of 120 days after an application for registration is received by the board, unless objected to by the board, or otherwise suspended or revoked.

5.103 Suspension and reinstatement of temporary registration.

1. The board may suspend the temporary registration of an applicant if it determines that:

(a) The application for registration received from the applicant is not complete; or

(b) If the application for registration is not a change of employment notice, the fingerprints submitted by the applicant are illegible or unclassifiable.

2. The board shall suspend the temporary registration of an applicant if it determines that the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 463.520 is not completed, not signed, or the applicant indicates on the statement that he is subject to a court order for the support of a child and

is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

3. If the board suspends the temporary registration of an applicant pursuant to subsections 1 or 2, it shall notify the applicant and his place of employment of such suspension.

4. An applicant whose temporary registration is suspended pursuant to subsections 1 or 2 shall not be eligible to work as a gaming employee until such time as he rectifies the cause for such suspension and the board reinstates his temporary registration. If an applicant rectifies the cause for his suspension and the board reinstates his temporary registration, the period of time in which the applicant's temporary registration was suspended pursuant to this regulation shall not be included in measuring the 120-day period in which the board may object to such temporary registration of the applicant.

5.104 Investigation; uniform criteria for objection; objection.

1. Upon receipt of an application for registration, the board shall review it for completeness.

2. Unless the board, after reviewing an application for registration, suspends the temporary registration of the applicant pursuant to Regulation 5.103, it shall conduct an investigation of the applicant to determine whether he is eligible to be or continue to be registered as a gaming employee.

3. The board may object to the registration of an applicant within 120 days after receipt of a complete application for registration for any cause deemed reasonable, including any of the specific grounds cited at NRS 463.335(13).

4. An objection to the registration of an applicant shall be entered if the applicant:
(a) Has committed, attempted or conspired to commit any offense in violation of NRS 465.070 to 465.085, inclusive.

(b) Has committed, attempted or conspired to commit any offense, within the past 10 years, involving or related to gambling, which is a felony in this state or, if committed in another state, would be a felony in this state.

(c) Has committed, attempted or conspired to commit any offense involving larceny related offenses committed against a gaming establishment within the past 10 years.

5. If the board objects to the registration of an applicant pursuant to this regulation, the board shall notify:

(a) The applicant pursuant to the notice requirement prescribed in NRS 463.335(11) and the right to apply for a hearing pursuant to NRS 463.335(12); and

(b) The applicant's place of employment.

The failure of an applicant to seek review of a determination that he is not eligible for registration as a gaming employee shall be deemed to be an admission that the objection is well founded and such failure precludes administrative or judicial review.

6. If the board does not object to the registration of an applicant pursuant to this regulation, the applicant shall be deemed registered as a gaming employee and is eligible for employment with any nonrestricted licensee in the state until such registration expires as prescribed in NRS 463.335(8), is suspended pursuant to NRS 463.3352 or 463.336, or is revoked pursuant to NRS 463.337.

5.105 Duties of licensee.

1. A nonrestricted licensee shall not knowingly employ any person as a gaming employee or enter into a contract, or the equivalent thereof, with an independent agent who is required to be registered as a gaming employee unless such person is temporarily registered or registered as a gaming employee. A licensee may rely on the system of records maintained by the board to verify the temporary registration, registration or eligibility of a person seeking employment as a gaming employee with such licensee.

2. A licensee shall only access the system of records after a person applies for a position as a gaming employee solely to determine whether the person is registered, temporarily registered, or subject to objection, suspension or revocation. A licensee shall maintain written documentation establishing that it received an application for employment from a person for a position as a gaming employee prior to accessing the system of records and shall retain such documentation for at least 5 years.

3. Before a licensee grants any employee access to the system of records maintained by the board, it shall provide the board with the name, social security number and date of birth of such employee. Upon the termination of employment of such employee or the reassignment of such employee to a position that no longer requires him to access the system of records, the licensee shall immediately notify the board of such termination or reassignment. The information contained within the system of records is confidential and must not be disclosed by such employee or the licensee.

4. If a licensee determines, after accessing the system of records maintained by the board, that a person seeking employment as a gaming employee with such licensee is not temporarily registered or registered as a gaming employee, and is not subject to objection, suspension or revocation, the licensee shall provide the person with a form for application, the statement prescribed in subsections 1 and 2 of NRS 463.3351 and instruct the person to:

(a) Complete the form for application and the statement prescribed in subsections 1 and 2 of NRS 463.3351;

(b) Obtain two complete sets of fingerprints;

(c) Obtain a money order, cashier's check or voucher in the amount prescribed by the board in accordance with NRS 463.335(6); and

(d) Unless otherwise prescribed by the chairman, return the application for registration to the licensee in a sealed envelope, or in any other confidential manner permitted by the board, for submission to the board.

If the person's fingerprints are submitted electronically or by another means to the Nevada Records of Criminal History, tangible proof of such shall be included in the application for registration in lieu of the fingerprint cards.

A licensee shall not employ a person who is not temporarily registered or registered as a gaming employee until such time as the person complies with this subsection.

5. If a licensee determines, after accessing the system of records maintained by the board, that a person seeking employment as a gaming employee with such licensee is subject to objection, suspension or revocation, the licensee shall:

(a) Not accept an application for registration from such person; and

(b) Notify the person that he must contact the board in order to pursue reversal or removal of such objection, suspension or revocation.

6. If a licensee determines, after accessing the system of records maintained by the board, that a person seeking employment as a gaming employee with such licensee is temporarily registered or registered as a gaming employee, the licensee shall provide such person with a change of employment notice and the statement prescribed in subsections 1 and 2 of NRS 463.3351, and instruct him to complete such notice and statement and, unless otherwise prescribed by the chairman, return them to the licensee in a sealed envelope, or in any other confidential manner permitted by the board, for submission to the board.

7. A licensee which instructs a person to obtain two complete sets of fingerprints shall be responsible for nonpayment by such person of the fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing such fingerprints.

8. Upon receipt of an application for registration, a licensee shall mail or deliver it to the board within 5 business days as prescribed in NRS 463.335(5).

9. The application for registration is confidential and shall not be accessed or used for any purpose by a licensee.

10. A licensee shall immediately terminate a person it has employed or contracted with as a gaming employee, or reassign him to a position that does not require registration as a gaming employee, if the board notifies a licensee that the temporary registration or registration of the person it has employed as a gaming employee has been objected to by the board, or otherwise suspended or revoked.

11. On or before the fifteenth (15th) day of each month, each licensee shall submit a written report to the board containing the name, social security number, position held, and date of hire of each gaming employee hired during the previous month.

12. On or before the fifteenth (15th) day of the ensuing month after a calendar quarter, each licensee shall submit a written report to the board containing the name, social security number, position held, and date of termination or separation of all gaming employees terminated or separated from service within the preceding quarter.

13. Each licensee must maintain a photo of every gaming employee employed by the licensee. The licensee shall maintain the photo for a period of no less than 5 years after the date in which the gaming employee is no longer employed by the licensee as a gaming employee. The photo must be large enough and of sufficient clarity to be able to clearly identify the gaming employee from the photo. The photo may be in the form of a photograph or it may be digitally stored, but it must be capable of being reproduced and provided at the request of the board.

14. Any violation of subsections 2 or 3 constitutes an unsuitable method of operation and shall be grounds for disciplinary action by the board and the commission in accordance with the Nevada Gaming Control Act and the regulations of the commission.

5.106 Change of employment notice.

1. Whenever a registered gaming employee becomes employed as a gaming employee with another or additional licensee, he shall file a change of employment notice with the board by submitting it to such licensee within 10 days, unless otherwise prescribed by the chairman.

2. A person is deemed temporarily registered as a gaming employee upon the filing of a change of employment notice in accordance with subsection 1 and such temporary registration is valid for a period of 120 days after the change of employment notice is received by the board, unless objected to by the board, or otherwise suspended or revoked.

3. The expiration date of a gaming employee's registration shall not change as a result of the filing of a change of employment notice.

5.107 System of records: contents; confidentiality; penalties.

1. The board shall create and maintain a system of records that:
(a) Contains information regarding the current place of employment of each person who is registered as a gaming employee; and

(b) Identifies each person whose registration as a gaming employee has expired, was objected to by the board, or was otherwise suspended or revoked.

2. The system of records may only be accessed by on-line Internet connection and only by those persons or entities authorized by the board.