

**ADOPTED AMENDMENTS TO NGC REGULATION 5 - OPERATION OF  
GAMING ESTABLISHMENTS**

**PURPOSE OF AMENDMENTS:** To amend NGC Regulation 5.100 - "Fingerprinting of employees" and to adopt additional regulations to: (1) facilitate uniform procedures for the issuance of work permits by counties and cities; (2) establish uniform criteria for denial by a county or city licensing authority of an application for a work permit; and (3) provide for the creation and maintenance of a system of records that contain information regarding the current place of employment of each person who possesses a valid work permit in conformance with statutory amendments to NRS 463.335.

(Draft date: 12/19/02)

5.100 [~~Fingerprinting of employees~~] **Definitions.** **As used in Regulations 5.101 to 5.108, inclusive:**

**1. "Change of employment notice" means an application filed by a gaming employee in accordance with Regulation 5.107(1) for the purpose of notifying the board of a change of place of employment or commencement of employment as a gaming employee with an additional license.**

**2. "Licensing authority" means:**

**(a) Any governmental entity which issues gaming work permits in accordance with NRS 463.335 and, if applicable, governing city or county ordinances, regulations or laws; or**

**(b) Any law enforcement agency that is authorized to issue gaming work permits as prescribed by the chairman.**

**3. Permanent work permit" means a gaming work permit that meets the requirements of Regulations 5.101 to 5.108, inclusive, or a gaming work permit issued before January 1, 2003 that is not a temporary work permit. A permanent work permit remains subject to expiration, revocation and suspension pursuant to the applicable provisions of NRS 463.335 and these regulations.**

**4. "Temporary work permit" means a gaming work permit issued by a licensing authority that meets the requirements of Regulations 5.101 to 5.108,**

**inclusive, and which, by definition, is valid for no more than 120 days from the date of issuance.**

**5. "Work permit" means both a temporary work permit and a permanent work permit.**

**5.101 Form of work permit; expiration; possession of work permit; duty of licensee.**

1. No person shall be employed [~~in any nonrestricted gaming operation~~] **as a gaming employee, or serve as an independent agent if he is a resident of this state,** unless such person is the holder of a valid work permit issued in accordance with NRS 463.335 [~~and the applicable ordinances, or regulations of the county or city wherein the gaming operation is located; or, if such work permit is not required by such county or city, a work permit issued by the board~~].

2. [~~If such work permit is not required by the county or city in which the gaming operation is located a work permit must be obtained from the board. A work permit shall be obtained from the board upon the applicant therefor furnishing to the board his fingerprints in duplicate on fingerprint impression cards and his photograph in duplicate. The photographs must be satisfactory to the board and must have been taken not earlier than three months before the date of filing the application. A work permit issued by the board will not be deemed an endorsement or clearance by the board of the person so registered, but merely an attestation that such person has furnished his fingerprints and photograph as required by this subsection.~~] **Except as otherwise approved by the chairman in writing, every work permit issued or renewed in accordance with NRS 463.335 shall be of uniform appearance and form as prescribed by the chairman and include:**

**(a) The legal name of the gaming employee;**

**(b) A photo image of the gaming employee;**

**(c) The date the work permit expires as measured pursuant to subsection 3; and**

**(d) A work permit identification number.**

**3. Unless otherwise denied or objected to by the board, or suspended or revoked by the commission, a permanent work permit shall expire on the date as set**

forth in NRS 463.335(6). A permanent work permit issued before January 1, 2003 shall expire on the expiration date set forth on the permanent work permit, unless otherwise revoked. If there is no expiration date set forth on a permanent work permit, it shall expire five years from the date of issuance, or on the applicant's birthday in 2003, whichever is later. If there is also no date of issuance set forth on a permanent work permit, it shall expire as determined by the licensing authority that issued the permanent work permit, but no later than December 31, 2005. A permanent work permit issued prior to January 1, 2003 with no expiration date and no date of issuance set forth on it is valid for gaming employment only in the jurisdiction of the licensing authority that issued the permanent work permit.

[3] 4. Every gaming employee shall keep his work permit on his person [~~and~~] or immediately available for inspection at all times [~~when actively engaged in the conduct of gaming operations~~] while working as a gaming employee.

[4] 5. Every [~~nonrestricted~~] gaming licensee shall, before employing any person [~~in connection with the licensed gaming operation~~] as a gaming employee, ascertain that such person holds a valid work permit issued in accordance with this regulation, and shall cause his employment records to reflect [~~such fact~~] the same.

6. On or before the fifteenth day of the ensuing month after a calendar quarter, a licensee shall submit a written report to the board containing the name, social security number, address, position previously held, and date of termination or separation of all gaming employees terminated or separated from service within the preceding quarter. In the event that no terminations or separations occur, no report is necessary.

### 5.102 Applications.

1. An applicant must file a work permit application with the appropriate licensing authority. The application shall be filed with the licensing authority of the city in which the applicant resides if that city issues work permits. If the city in which an applicant resides does not issue work permits, the application shall be filed with the licensing authority of the county in which he resides if that county issues work permits. If the county in which an applicant resides does not issue work

permits, the board shall be the licensing authority and the application shall be filed with the board. An applicant who resides outside of the state shall file a work permit application with any city or county licensing authority in the state which issues gaming work permits in accordance with NRS 463.335 and these regulations.

2. Except as otherwise approved by the chairman in writing, all applications for a work permit shall be on a form prescribed by the chairman.

3. All applications shall be accompanied by written verification of employment provided by a gaming licensee.

### 5.103 Screening of work permit applicant.

1. When an applicant files a work permit application with a licensing authority, the licensing authority shall screen the applicant to determine if the applicant is eligible for a temporary work permit. The screening process shall include:

(a) Review of the application to ensure that it has been properly completed;

(b) Confirmation of the applicant's identity by means of a government issued photo identification;

(c) An attempt to confirm the applicant's current mailing address through inquiry of the applicant;

(d) Review of all criminal records maintained by the licensing authority which are permissible to use to determine the eligibility of the applicant for a work permit;

(e) Confirmation through the Nevada Criminal Justice Information System as to whether or not there is any outstanding warrant for the applicant's arrest; and

(f) Confirmation that the applicant executed an authorization to allow the board to conduct an investigation of the applicant's criminal history and to obtain criminal records.

When conducting a review of criminal records pursuant to subsection (1)(d), licensing authorities may conduct a review of the criminal records maintained by the central repository for Nevada which are permissible to use to determine the eligibility of the applicant for a work permit.

**2. The licensing authority shall deny a work permit application if it determines during the screening process that the applicant has:**

**(a) Purposely failed to disclose, misstated or otherwise misled the licensing authority with respect to any material fact contained in the application;**

**(b) Been convicted within the last three years of petit theft, larceny, fraud, embezzlement, insufficient fund-checks, or any other misdemeanor theft-related crime, or any crime related to the possession, use, or transportation of narcotics or possession of narcotics related paraphernalia;**

**(c) Been convicted within the last eight years of a crime which is a felony or gross misdemeanor in this state or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this state;**

**(d) Been convicted of any offense involving or related to gambling, to include larceny related offenses committed against a gaming establishment; or**

**(e) Has any criminal charge pending which is a felony in this state or an offense in another state or jurisdiction which would be a felony if committed in this state.**

**Criminal case dispositions gathered pursuant to the screening process set forth in subsection (1), or disclosures made by the applicant on his work permit application, may be relied upon by licensing authorities to make denial determinations. In the event the disposition of a criminal case remains unknown despite the screening process, a licensing authority shall not rely on that case to deny a temporary work permit.**

**3. The licensing authority may use discretion in applying the criteria for denial set forth in subsection (2) in limited circumstances. This discretion may be used by the licensing authority in applying the criteria for denial only when the applicant holds a valid work permit issued before January 1, 2003, has continuously worked as a gaming employee since the issuance of the permit, and the criteria for denial requires a denial of a new work permit based upon an event that occurred and was previously disclosed prior to the issuance of the work permit currently held by the gaming employee.**

**4. Except when the screening process is suspended pursuant to subsections (5) or (6), the licensing authority shall obtain a complete set of fingerprints of the**

applicant and forward them to the central repository for Nevada records of criminal history and the Federal Bureau of Investigation.

5. If the licensing authority determines during the screening process that there is an outstanding warrant for the applicant's arrest, the screening process shall be suspended, the applicant shall not be charged a fee as prescribed in NRS 463.335(2), and a temporary work permit shall not be issued.

6. If the licensing authority determines during the screening process that an applicant is not in compliance with a court order for child support, the screening process shall be suspended, the applicant shall not be charged a fee as prescribed in NRS 463.335(2), and a temporary work permit shall not be issued.

#### 5.104 Issuance of temporary work permit.

1. When an applicant submits a work permit application to a licensing authority and the applicant is deemed eligible for a temporary work permit after screening is completed in accordance with Regulation 5.103, the licensing authority shall issue the applicant a temporary work permit.

2. Upon issuance of the temporary work permit, the licensing authority shall notify the applicant of the following:

(a) The temporary work permit is valid for no more than 120 days from the date of issuance;

(b) The board may object to the issuance of the temporary work permit at any time within the 120 day period; and

(c) If the board does not object to the issuance of the temporary work permit within the 120-day period, it shall become a permanent work permit and expire on the expiration date set forth on the permit.

#### 5.105 Board investigation.

1. During the 120-day time period, the board shall determine whether the applicant is eligible for a work permit and may object to the issuance of a work permit.

**2. If the board does not object to the issuance of the temporary work permit during the 120-day time period, the temporary work permit will become a permanent work permit, which shall expire on the expiration date set forth in Regulation 5.101(3).**

**3. If the board objects to the issuance of a work permit during the 120-day time period, the board shall notify:**

**(a) The applicant of its objection and the right to apply for a hearing as prescribed by NRS 463.335(11);**

**(b) The licensing authority, if applicable, of its objection and the licensing authority shall immediately repossess the temporary work permit; and**

**(c) The applicant's place of employment of its objection.**

**5.106 Denial of temporary work permit upon failing screening process. When an applicant submits a work permit application to a licensing authority and the applicant is deemed ineligible for a temporary work permit after screening is completed in accordance with Regulation 5.103, the licensing authority shall not issue the applicant a temporary work permit. When the application is filed directly with:**

**1. The board and it determines that the applicant is not eligible for a temporary work permit pursuant to Regulation 5.103, it shall notify the applicant of its determination, including the criteria for denial relied upon in making such determination, and that a hearing may be requested within 60 days pursuant to NRS 463.335(11); or**

**2. A city or county licensing authority and such licensing authority determines that the applicant is not eligible for a temporary work permit pursuant to Regulation 5.103, it shall notify the applicant of the criteria for denial relied upon in making such determination and that he may request the board to review the denial no later than 10 days after receiving notice of the denial. If the applicant requests a review within 10 days, the board will conduct a review of the denial criteria relied upon by the city or county licensing authority within 20 days from receipt of the applicant's request. If the board determines from its review that:**

(a) The criteria for denial was properly applied and the applicant is not eligible for a temporary work permit, it shall notify the applicant of its determination and that a hearing may be requested within 60 days pursuant to NRS 463.335(11); or

(b) The criteria for denial was not properly applied and the applicant is eligible for a temporary work permit, it shall notify the applicant of its determination, and notify the city or county licensing authority that it shall issue a temporary work permit to the applicant.

The failure of an applicant to seek review of a city or county licensing authority's determination that he is not eligible for a temporary work permit pursuant to this subsection shall be deemed to be an admission that the denial is well founded and such failure precludes administrative or judicial review.

#### 5.107 Change of place of employment.

1. Except as otherwise provided in subsection 2, whenever a gaming employee changes his place of employment or becomes employed as a gaming employee with an additional licensee, he shall notify the board within 10 days by filing a change of employment notice directly with the board. A gaming employee who resides outside of the state shall file a change of employment notice with the board.

2. If the city or county in which a gaming employee is employed requires, by ordinance, that a change of employment notice be filed with its licensing authority, the gaming employee shall file such notice directly with such licensing authority. Upon receipt of a change of employment notice, the city or county licensing authority shall forward it to the board within 24 hours.

3. The gaming licensee shall inform the gaming employee of the need to file a change of employment notice at the time the employee becomes employed and shall verify that the employee has filed such notice.

4. The change of employment notice shall be a form prescribed by the chairman.

5. Within 120 days from receipt of the change of employment notice, the board may conduct any investigation it deems appropriate to determine the eligibility of a



gaming employee to hold a permanent work permit. If the board determines, within 120 days after receipt of a change of employment notice, that a gaming employee:

(a) Remains eligible to hold a work permit, such work permit shall be valid until it expires, unless otherwise suspended or revoked; or

(b) Is no longer eligible to hold a work permit, it shall deny the application pursuant to Regulation 5.105(3).

6. No fees shall be imposed on a gaming employee relative to the filing of a change of employment notice.

#### 5.108 Work permit records.

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 possesses a valid work permit; and

(b) Identifies each person who is precluded from being issued a work permit due to denial, objection, suspension or revocation.

2. The information contained within the system of records is confidential and must not be disclosed except in the necessary and proper administration of the Gaming Control Act, as permitted by law, and in compliance with the provisions of NRS 463.335(14), NRS 463.120 and NRS 179A.100.

3. The board shall develop and maintain a means that affords authorized law enforcement agencies, which currently issue work permits, electronic access to the information prescribed in subsection 1.

4. Any violation of the confidentiality obligation in NRS 463.335(14) and this regulation may be punishable under NRS 463.360(6).

Regulation 5.101(2) becomes effective on July 1, 2003. All other Regulations and amendments thereto become effective January 1, 2003.