

RULES AND REGULATIONS

TITLE 58. RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHAPTER 435]

PREAMBLE

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Chapter 435 entitled Employees, is amended by adding §§ 435.6–435.10 to Subpart B, entitled Licensing, Registering, Certifying and Permitting.

Purpose and Background

Under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), the Board is authorized to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board. To promulgate the temporary regulations in accordance with customary rulemaking procedure, the Board

published draft regulations on its website and a 10-day public comment period was provided.

Under 4 Pa.C.S. § 1203(b), the temporary regulations adopted by the Board expire no later than three years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations shall not be subject to sections 201--205 of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law (CDL)(45 P. S. §§ 1201--1208) or to the act of June 25, 1982 (P.L. 633, No. 181), known as the Regulatory Review Act (71 P. S. §§ 745.1--745.15).

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to, or operate gaming facilities.

The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the Gaming Fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall

reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing, registration, certification and permitting of individuals and other classes of applicants will be reimbursed by the applicants through fees established by the Board.

It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

Statutory Authority

The Board is authorized under 4 Pa.C.S. § 1203(a) to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203(b), the Board's authority to adopt temporary regulations will expire two years from the effective date of Act 71.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1203(a), the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201--205 of the CDL.

(2) A 10-day public comment period was held prior to the adoption of the temporary regulations.

(3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Board, acting under the authorizing statute, orders that:

(a) The Board acting under the authority of the Act 71, adopts as its final-form temporary regulations, the draft regulations as amended by resolution at the May 19, 2006, public meeting. The temporary regulations pertain to employee credentialing.

(b) The following temporary regulations of the Board, 58 Pa. Code Chapter 435 are amended by adding §§ 435.6–435.10 to read as set forth in Annex A.

(c) The temporary regulations are effective May 19, 2006.

(d) The temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

ANNEX A

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TABLE OF CONTENTS

Title 58. Recreation

Part VII. Gaming Control Board

Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING

CHAPTER 435. EMPLOYEES

§ 435.6. Credentials generally

§ 435.7. Employee credentials

§ 435.8. Emergency credentials

§ 435.9. Temporary credential

§ 435.10. Loss or destruction of credential

§ 435.6. Credentials generally.

(a) A credential issued to key employee qualifiers, key employees, gaming employees, nongaming employee registrants and

state employees subject to § 435.7(c), shall include all of the following information pertaining to the employee:

(1) The name, address, date of birth, sex, height, weight, hair color and eye color of the licensee, permittee or registrant.

(2) A photograph of the face of the individual to whom the credential has been issued which meets the standards of the Commonwealth Photograph Imaging Network.

(b) The credential shall also contain the following information:

(1) The inscription "Pennsylvania Gaming Control Board."

(2) The seal of the Commonwealth of Pennsylvania.

(3) A license, permit or registration number.

(4) The type of license, permit or registration.

(5) An expiration date.

(6) The signature of the employee.

(7) Other security features as determined by the Board.

§ 435.7. Employee credentials.

(a) Each key employee, gaming employee, and nongaming employee registrant must carry, on his person, his Board-issued credential at all times while engaged in the performance of his duties on the premises of a licensed facility.

(b) Each key employee qualifier whose duties are required to be performed at a licensed facility in excess of 12 days in a 12 month period must obtain a Board-issued credential while engaged in the performance of his duties on the premises of a licensed facility.

(c) Each state employee, whose duties require the employee's presence at a licensed facility more frequently than once a month, shall obtain a credential from the Board and must carry, on his person, the Board-issued credential at all times while engaged in the performance of the employee's duties on the premises of a licensed facility.

(d) Except as provided in § 435.8 (relating to emergency credentials), slot machine licensees are prohibited from allowing a key employee qualifier, key employee, gaming employee or nongaming employee registrant to perform his duties on the premises of a licensed facility unless the employee has his Board-issued credentials.

(e) Notwithstanding subsections (a) and (b), the Board may, upon written request by a slot machine licensee and upon a showing of good cause, exempt certain positions, titles or persons from the requirements of this section.

(f) Slot machine licensees shall be required to utilize a secure website for submission of current employee status reports pursuant to a schedule prescribed by the Board.

§ 435.8. Emergency credentials.

(a) An emergency credential that is in a form approved by the Board may be issued by the security department of a slot machine licensee to a key employee qualifier, key employee, gaming employee or nongaming employee who does not have the credential on his person, or whose credential has been stolen, lost or destroyed, to enable the employee to perform his duties at the licensed facility, if the security department of the slot machine licensee performs all of the following prior to issuing the emergency credential:

(1) Verifies that the employee is listed in the slot machine licensee's current employee status report.

(2) Verifies that the employee holds a valid license, permit or registration.

(3) Confirms the employment and licensure, permit or registration information of the employee with the supervisor of the employee.

(4) Verifies that fewer than 12 temporary credentials have been issued to the particular employee in the past 12 months.

(5) Maintains, in writing, an emergency credentials log containing the following information:

(i) The name, license, permit or registration number of the employee to whom the emergency credential was issued.

(ii) The date and time that the emergency credential was issued.

(iii) The name and license, permit or registration number of the slot machine licensee security department employee issuing the emergency credential.

(iv) The badge number of the emergency credential that was issued.

(6) Provides to the Bureau a copy of the emergency credentials log by December 1 of each year.

(7) Issues emergency credentials for the current year and returns the previous year's emergency credentials to the Board within 30 days of the next calendar year. The Board will impose on the licensee a replacement fee for any unreturned badges.

(b) An emergency credential issued pursuant to subsection (a) shall be in a form approved by the Board and contain the following information:

(1) A conspicuous statement printed on the face thereof which provides that the credential is void 72 hours after the time of its issuance.

(2) A sequential badge number printed on the face of the credential.

(c) The emergency credential shall comply with the following requirements:

(1) Be valid for a time period not to exceed 72 hours.

(2) Be sequentially numbered.

(3) Be stored in the offices of the security department and distributed by that department in accordance with the slot machine licensee's procedures submitted to and approved by the Board.

§ 435.9. Temporary credential.

(a) A temporary credential that has been approved by the Board may be issued by Board to a key employee qualifier or a key employee whose investigation for licensure by the Board is pending but whose presence is necessary in the licensed facility.

(b) A temporary credential issued under this section shall be in a form approved by the Board and contain the following information:

(1) The name and license number of the employee to whom it was issued.

(2) A conspicuous statement printed on the face thereof which provides that the credential is a temporary

credential and is void 60 days after the date of its issuance or a time period otherwise authorized by the Board.

(3) The date it was issued.

(c) Ten days prior to the expiration of the temporary credential, the key employee qualifier or key employee may submit a renewal request to the Board. If the renewal request is approved, the temporary credential shall be valid for an additional 30 day period. The key employee qualifier or key employee may continue to renew a temporary credential for a maximum of six months.

§ 435.10. Loss or destruction of credential.

(a) Any holder of a Board-issued credential shall promptly report the theft, loss or destruction of a Board-issued credential to the Board.

(b) As soon as possible following the loss or destruction of a credential, the person to whom the credential was originally issued shall immediately notify the security department of the slot machine licensee.

(c) The security department of the slot machine licensee must notify the Board in writing in the manner and form prescribed by the Board and may issue an emergency credential in accordance with § 435.8 (relating to emergency credentials).