

5:12-91

LEGISLATIVE HISTORY CHECKLIST

NJSA 5:12-91 (Casino hotel employees--provides temporary work authorization certificates)

LAWS 1980 CHAPTER 161

Bill No. S1519

Sponsor(s) Perskie

Date Introduced Oct. 6, 1980

Committee: Assembly State Govt., Federal & Interstate Relations & Veterans Affairs  
Senate State Govt., Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Nov. 24, 1980  
Senate Oct. 9, 1980

Date of approval Dec. 1, 1980

Following statements are attached if available:

Sponsor statement	Yes	<del>No</del>
Committee Statement: Assembly	Yes	<del>No</del>
Senate	Yes	<del>No</del>
Fiscal Note	<del>Yes</del>	No
Veto Message	<del>Yes</del>	No
Message on signing	<del>Yes</del>	No
Following were printed:		
Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

For background on licensing of casino employees see:

974.90 New Jersey. Legislature. Assembly. Legislative  
G191 Oversight Committ-e.  
1979b Public hearing...on the licensing of casino employees,  
held 10-29-79. Atlantic City, 1979.

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12-1-80

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SENATE, No. 1519

STATE OF NEW JERSEY

INTRODUCED OCTOBER 6, 1980

By Senator PERSKIE

Referred to Committee on State Government, Federal and Interstate Relations and Veterans Affairs

AN ACT concerning the licensure of casino hotel employees and amending section 91 of the "Casino Control Act," P. L. 1977, c. 110.

1 BE IT ENACTED by the Senate and General Assembly of the State  
2 of New Jersey:

1 . 1. \*Section 91 of\* P. L. 1977, c. 110 (C. 5:12-91) is amended to  
1A read as follows:

2 91. Casino Hotel Employee Licenses. a. No person may com-  
3 mence employment as a casino hotel employee unless he [is the  
4 holder of a valid] \*\*[has filed with the commission a completed  
5 application for a]\*\* \*\*is the holder of a valid\*\* casino hotel em-  
6 ployee license \*\*or temporary casino hotel employee license issued  
6A pursuant to the provisions of this section\*\* [issued by the com-  
6B mission].

7 b. Any applicant for a casino hotel employee license must, prior  
8 to the issuance of any such license, produce sufficient information,  
9 documentation and assurances to meet the qualification criteria, in-  
10 cluding New Jersey residency, contained in subsections b. (1), b. (2)  
11 and b. (4) of section 89 of this act and any additional residency  
12 requirement imposed under subsection c. of this section. No casino  
13 hotel employee license shall be issued to any person disqualified  
14 on the basis of the criteria contained in section 86 of this act.

15 c. The commission may, by regulation, require that all applicants  
16 for casino hotel employee licenses be residents of this State for a  
17 period not to exceed 3 months immediately prior to the issuance  
18 of such license, but application may be made prior to the expiration

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

19 of the required period of residency. The commission shall waive  
 20 the required residency period for an applicant upon a showing  
 21 that the residency period would cause undue hardship upon the  
 22 casino licensee which intends to employ said applicant, or upon a  
 23 showing of other good cause.

24 d. Notwithstanding the provisions of subsection b. of this section,  
 25 no applicant shall be denied a casino hotel employee license on  
 26 the basis of a conviction of any of the offenses enumerated in this  
 27 act as disqualification criteria, provided that the applicant has  
 28 affirmatively demonstrated his rehabilitation. In determining  
 29 whether the applicant has affirmatively demonstrated his rehabili-  
 30 tation the commission shall consider the following factors:

- 31 (1) The nature and duties of the position applied for;
- 32 (2) The nature and seriousness of the offenses;
- 33 (3) The circumstances under which the offense occurred;
- 34 (4) The date of the offense;
- 35 (5) The age of the applicant when the offense was committed;
- 36 (6) Whether the offense was an isolated or repeated incident;
- 37 (7) Any social conditions which may have contributed to the  
 38 offense;
- 39 (8) Any evidence of rehabilitation, including good conduct in  
 40 prison or in the community, counseling or psychiatric treatment  
 41 received, acquisition of additional academic or vocational school-  
 42 ing, successful participation in correctional work-release programs,  
 43 or the recommendation of persons who have or have had the appli-  
 44 cant under their supervision.

45 e. The commission may waive any disqualification criterion for  
 46 a casino hotel employee consistent with the public policy of this  
 47 act and upon a finding that the interests of justice so require.

48 f. **[A temporary license may be issued by the commission if in its  
 49 judgment the issuance of a permanent license will be restricted by  
 50 necessary investigations and said temporary licensing of the appli-  
 51 cant is necessary for the operations of the hotel.]**

52 **\*\*[A \**temporary casino hotel employee work permit*\* \*casino  
 53 hotel employee temporary work authorization certificate\* shall be  
 54 issued upon the filing of a completed application for a casino hotel  
 55 employee license. Such a \**temporary casino hotel employee work  
 56 permit*\* \*casino hotel employee temporary work authorization  
 57 certificate\* shall be subject to revocation by the commission at any  
 58 time. \*All persons who have filed a completed pending application  
 59 for a casino hotel employee license and who have not been issued  
 60 such license by the commission shall, on the effective date of this  
 61 act, be eligible for and shall be issued a temporary work authoriza-**

62 tion certificate pursuant to the provisions of this amendatory  
63 act.\*\*\*

64 \*\*Upon petition by the holder of a casino license or temporary  
65 casino permit, a temporary casino hotel employee license shall be  
66 issued to each applicant for a casino hotel employee license named  
67 therein, provided that the petition certifies that each such applicant  
68 has filed a completed application for a casino hotel employee license  
69 as required by the commission. A temporary casino hotel employee  
70 license shall be subject to revocation by the commission at any  
71 time in accordance with the provisions of this act.\*\*

72 Unless otherwise terminated pursuant to this act, a \*[temporary  
73 [license] casino hotel employee work permit]\* \*\*[\*casino hotel em-  
74 ployee temporary work authorization certificate\*]\*\* \*\*temporary  
75 license\*\* issued pursuant to this subsection shall expire \*\*[6  
76 months]\*\* \*\*1 year\*\* from the date of its issuance \*\*[and be  
77 renewable, at the discretion of the commission, for one additional  
78 6-month period]\*\*\*\*.

1 \*\*[2. Section 106 of P. L. 1977, c. 110 (C. 5:12-106) is amended  
2 to read as follows:

3 106. Work Permits. a. [A] Except as otherwise provided in this  
4 section a casino licensee shall not appoint or employ any person  
5 not possessing a current and valid license permitting such appoint-  
6 ment or employment. Prior to the effective date of such  
7 appointment or employment, the casino licensee shall apply for a  
8-9 work permit for such employee, which shall be granted by the com-  
10 mission if the employee is the holder of a current and valid license.  
11 The casino licensee shall return such work permit to the commission  
12 within 5 days of the termination or cessation of such appointment  
13 or employment for any cause whatsoever. Each work permit shall  
14 be renewed annually in accordance with rules and regulations  
15 promulgated by the commission.

16 b. A casino licensee shall, within 24 hours of receipt of written  
17 notice thereof, terminate the appointment or employment of any  
18 person whose license or casino hotel employee temporary work  
19 authorization certificate has been revoked or has expired. A casino  
20 licensee shall comply in all respects with any order of the commis-  
21 sion imposing limitations or restrictions upon the terms of employ-  
22 ment or appointment in the course of any investigation or hearing.

23 c. Subsection a. of this section shall not apply to any person who  
24 has been issued a casino hotel employee temporary work authoriza-  
25 tion certificate until said person is issued a valid casino hotel  
26 employee license.\*\*\*

1 \*[2.]\* \*\*[\*3.]\*\*\* \*\*2.\*\* This act shall take effect immediately.

## STATEMENT

The present system that casino hotel employees (dishwashers, cooks, porters, chambermaids, busboys, bartenders, maintenance personnel) be licensed before commencing employment has created serious staffing problems for casino hotels and administrative problems for the Division of Gaming Enforcement. This bill would allow a casino hotel employee to commence employment immediately upon filing an application for full licensure. He would be granted a temporary work permit subject to revocation at any time by the commission. This system would have the following advantages: (1) hotels would be able to meet their staffing requirement as vacancies occurred; (2) the commission staff would be relieved of at least some of the paper work involved as petitions for temporary licensure would be eliminated; (3) the Division of Gaming Enforcement could take the time necessary to evaluate credentials for full licensure, knowing that any information bearing negatively on an applicant's qualifications could be presented immediately to the commission to revoke the temporary work permit; and (4) the commission would be asked to pass only upon recommendations for full licensure rather than upon wholesale petitions for temporary licensure.

51519(1980)

ASSEMBLY STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS  
AFFAIRS COMMITTEE

STATEMENT TO  
**SENATE, No. 1519**

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 30, 1980

This bill eliminates the present requirement that the Casino Control Commission must vote on the issuance of temporary casino hotel employee licenses.

Under this bill, as amended by the Assembly State Government Committee, temporary licenses will be issued by the commission staff upon the petition of a casino hotel certifying that a completed application has been filed for a casino hotel employee license by the person for whom a temporary license is sought.

The temporary license will be issued for a period of one year (at present, such a license is issued for 6 months with a renewal possible for another 6 months) and can be revoked by the commission at any time.

The change provided for in this bill will eliminate the staffing problems which have confronted casino hotels because of the inability to fill vacancies among casino hotel employees pending a commission meeting to approve temporary licenses.

Casino hotel employees are those employees whose duties do not require access to a casino, such as dishwashers, cooks, porters, chambermaids, busboys, bartenders, and maintenance personnel.

**COMMITTEE AMENDMENTS**

Under this bill as amended by the Senate State Government Committee, a "temporary work authorization certificate" (rather than a temporary "license") would have been issued to each applicant for a casino hotel employee license who had filed a completed application. This would have removed the casino hotel from its present role in the temporary licensing process, under the commission's administrative practice, of applying for temporary casino hotel employee licenses and of keeping track of its temporary hotel employees. This would also have increased the number of individuals eligible for work without licensure

since anyone who filed an application could obtain a "temporary work authorization certificate," while at present only individuals who have a job offer are eligible for a temporary casino hotel employee license.

Another feature of the bill as amended by the Senate committee was the postponement, until the permanent hotel employee license was issued, of the requirement that a casino hotel obtain a work permit for each such employee. This would have resulted in the loss of revenue to the commission from fees for work permits and would have created difficulty for the commission in monitoring hotel employees.

The Assembly committee amendments delete the changes in terminology and procedure noted above and essentially restore the process of issuing temporary casino hotel employee licenses to the mode of operation prior to July 29, 1980, when P. L. 1980, c. 28, which required *commission* action on temporary casino hotel employee licenses, became operative.

To eliminate the paper work and inconvenience which are presently involved in the renewal of temporary casino hotel employee licenses but which serve no useful purpose, the committee amendments make the period of temporary licensure one year (rather than an initial period of 6 months with a renewal possible for another 6 months).

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SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO  
**SENATE, No. 1519**  
with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 9, 1980

The purpose of this bill is to allow casino hotel employees to commence employment immediately upon filing an application for full licensure. Casino hotel employees are those employees whose duties do not require or authorize access to a casino. In this category are dishwashers, cooks, porters, chambermaids, busboys, bartenders and maintenance personnel.

The present system, which requires casino hotel employees to be licensed before commencing employment, has created staffing problems for casino hotels and administrative problems for the Division of Gaming Enforcement.

Pursuant to this bill, a casino hotel employee would be granted a "temporary work authorization certificate" which would be subject to revocation by the commission at any time. The establishment of this system would tend to accomplish the following: (1) hotels would be able to meet their staffing requirement as vacancies occurred; (2) the commission staff would be relieved of at least some of the paperwork involved as petitions for temporary licensure would be eliminated; (3) the Division of Gaming Enforcement could take the time necessary to evaluate credentials for full licensure, knowing that any information bearing negatively on an applicant's qualifications could be presented immediately to the commission to revoke the temporary work authorization certificate; and (4) the commission would be asked to pass only upon recommendations for full licensure rather than upon wholesale petitions for temporary licensure.

COMMITTEE AMENDMENTS

As originally drafted the temporary document which would be issued to casino hotel employees was designated a "work permit." Since the term "work permit" is used in the Casino Control Act in another context, the committee amended the bill to designate the temporary document as a "temporary work authorization certificate."



The committee also amended the bill to make it clear that casino hotel employees who have already filed applications for full licensure would be eligible for issuance of a "temporary work authorization certificate." In addition, the committee amended the bill to establish the relationship between the present "work permit" requirement, which is an obligation of the *licensee*, and the "temporary work authorization certificate" which is created by this act.

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