

Article 103.-EMPLOYEE LICENSING

- 112-103-1. Prohibition of unlicensed employment with a facility manager.**
- 112-103-2. License levels.**
- 112-103-3. Temporary work permit.**
- 112-103-4. Application for a license.**
- 112-103-5. Applicant identification.**
- 112-103-6. Affirmative duty to demonstrate qualifications.**
- 112-103-7. Background investigation.**
- 112-103-8. Disqualification criteria for a level I, level II, or level III license.**
- 112-103-9. Examinations.**
- 112-103-10. License duration.**
- 112-103-11. License renewal.**
- 112-103-12. Reapplication after license denial or revocation.**
- 112-103-13. Reserved.**
- 112-103-14. Reserved.**
- 112-103-15. License mobility; limitations.**
- 112-103-16. Licenses, temporary work permits, and badges to be commission property.**

112-103-1. Prohibition of unlicensed employment with a facility manager. No person may work as an employee or independent contractor of a facility manager unless the person is certified to do so with a current occupation license or temporary work permit issued by the commission for the actual job, duty, or position that the person is seeking to perform. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective April 17, 2009.)

112-103-2. License levels. (a) Each of the following persons who will be employed by or working for a facility manager in a position that includes the responsibility or authority specified in this subsection, regardless of job title, shall be considered key employees and shall be required to hold a current and valid temporary work permit or level I occupation license issued in accordance with the act and these regulations:

- (1) Any person who has authority to perform any of the following:

- (A) Hire or fire employees of a facility manager;
- (B) establish working policies for a facility manager;
- (C) act as the chief financial officer or have financial management responsibility for a facility manager;
- (D) manage all or part of a gaming facility; or
- (E) direct, control, manage, or engage in discretionary decision making over a facility manager;

(2) any person who has the authority to develop or administer policy or long-term plans or to make discretionary decisions about the management of a gaming facility or ancillary lottery gaming facility, including any of the following persons:

- (A) General manager or chief executive officer;
 - (B) electronic gaming machine director;
 - (C) director of surveillance;
 - (D) director of security;
 - (E) controller;
 - (F) director of internal audit;
 - (G) manager of the management information systems section or of any information system of a similar nature;
 - (H) marketing department manager;
 - (I) administrative operations manager;
 - (J) hotel general manager; or
 - (K) restaurant or bar general manager; or
- (3) any other person designated as a key employee by the

executive director.

(b) Each person whose responsibilities predominantly involve the maintenance or the conducting of gaming activities or equipment and the assets associated with gaming activities or who will be required to work regularly in a restricted area shall obtain a temporary work permit or a level II occupation license. Each person who will be employed by or working for a facility manager in a position that includes any of the following responsibilities shall obtain a temporary work permit or a level II occupation license:

- (1) Supervising the pit area;
- (2) functioning as a dealer or croupier;
- (3) conducting or supervising any table game;
- (4) repairing and maintaining gaming equipment, including slot machines and bill validators;
- (5) functioning as a gaming cashier or change person;
- (6) assisting in the operation of electronic gaming machines and bill validators, including any person who participates in the payment of jackpots and in the process of filling hoppers, or supervising those persons;
- (7) identifying patrons for the purpose of offering them complimentaries, authorizing the complimentaries, or determining the amount of complimentaries;
- (8) analyzing facility manager operations data and making recommendations to key personnel of the facility manager relating to facility manager marketing, complimentaries, gaming, special events and player ratings, and other similar items;
- (9) entering data into the gaming-related computer systems or developing,

maintaining, installing, or operating gaming-related computer software systems;

- (10) collecting and recording patron checks and personal checks that are dishonored and returned by a bank;
- (11) developing marketing programs to promote gaming in the gaming facility;
- (12) processing coins, currency, chips, or cash equivalents of the facility manager;
- (13) controlling or maintaining the electronic gaming machine inventory, including replacement parts, equipment, and tools used to maintain electronic gaming machines;
- (14) having responsibilities associated with the installation, maintenance, or operation of computer hardware for the facility manager computer system;
- (15) providing surveillance in a gaming facility;
- (16) providing security in a gaming facility; or
- (17) supervising areas, tasks, or staff within a gaming facility, including any of the following:
 - (A) The surveillance investigations and operations in a facility manager;
 - (B) the count room;
 - (C) the facility manager shift manager;
 - (D) the shift manager or supervisor of the electronic gaming machine operation;
 - (E) the repair and maintenance of the electronic gaming machines and the bill validators;
 - (F) the surveillance department during a shift;

- (G) repair or maintenance of the surveillance system equipment;
- (H) a surveillance department trainee or a surveillance room technician;
- (I) the security department;
- (J) the cage, satellite cage, and vault;
- (K) the collection unit of the facility manager;
- (L) the internal audit department; or
- (M) the management information systems department.

(c) Each person who will be employed by or working for a facility manager or with an ancillary lottery gaming facility operator and who is not required under the act or these regulations to obtain a level I or level II occupation license shall obtain a temporary work permit or a level III occupation license. (Authorized by and implementing K.S.A. 2008 Supp. 74-8772; effective April 17, 2009.)

112-103-3. Temporary work permit. (a) The commission staff may issue a temporary work permit to an applicant if both of the following conditions are met:

(1) The commission staff determines that the applicant has filed a completed application for a level I, level II, or level III occupation license.

(2) The applicant has no immediately known present or prior activities, criminal records, reputation, habits, or associations that meet either of these conditions:

(A) Pose a threat to the public interest or to the effective regulation of gaming;

or

(B) create or enhance the dangers of unfair or illegal practices in the conduct of gaming.

(b) A temporary work permit may be issued for an initial period not to exceed 90 days. Any temporary work permit may be extended by the commission's licensing staff for an additional 90 days.

(c) The issuance of a temporary work permit shall not extend the duration of the level I, level II, or level III license for which the applicant has applied. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective April 17, 2009.)

112-103-4. Application for a license. Each applicant for a level I, level II, or level III occupation license shall submit a completed application on a commission-approved form to the human resources department of the facility manager with which the applicant seeks employment. The human resources staff shall ensure the form's completeness and shall submit the form to the commission's licensing staff, along with an approval to deduct the amount of the applicant's background investigation fees and costs from the facility manager's background deposit provided to the commission. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective April 17, 2009.)

112-103-5. Applicant identification. (a) Each applicant shall have the responsibility to identify that person to commission staff when submitting an application by presenting one of the following:

- (1) A current and valid U.S. passport or certification of naturalization; or
- (2) a current identification card issued by the immigration and naturalization service (INS) containing a photograph or fingerprints and containing identification information including name, date of birth, sex, height, color of eyes, and address.

(b) If the documents specified in subsection (a) are not available and the applicant is a student and a citizen of another country with a federal J-1 authorization, the applicant shall present a signed J-1 authorization document and a valid and current foreign passport with the United States citizenship and immigration stamp attached to the passport.

(c) If none of the documents specified in subsection (a) or (b) are available, the applicant shall present one of the following documents:

(1) A current and valid state-issued driver's license that has a photograph on the license;

(2) a current and valid identification card issued to persons who serve in the U.S. military or their dependents that contains a photograph or other identifying information, or both;

(3) a current and valid school identification card containing a photograph, an expiration date, the seal or logo of the issuing institution, and the signature of the card holder;

(4) a current and valid identification card issued by a federal, state, or local government agency that contains a photograph and other identifying information; or

(5) a certified U.S. birth certificate.

(d) If the applicant is not a citizen of the United States and cannot provide the documents specified in subsection (a), (b), or (c), the applicant shall provide identification showing a country identification number from the applicant's country of citizenship.

(e) If the name on any identification document provided by an applicant is

different from the name on the application form, the applicant shall provide the commission with a marriage certificate, a divorce decree, a copy of a court order granting a petition for a name change, or any other valid document to verify the applicant's use of a different name.

(f) If the commission staff determines that there are irregularities with any documentation or type of identification presented by an applicant, the staff may require supplemental identification. (Authorized by and implementing K.S.A. 2008 Supp. 74-8772; effective April 17, 2009.)

112-103-6. Affirmative duty to demonstrate qualifications. Each applicant for an occupation license shall have an affirmative duty to the commission to demonstrate that the applicant is qualified for licensure. (Authorized by and implementing K.S.A. 2007 Supp. 74-8751 and 74-8772; effective April 17, 2009.)

112-103-7. Background investigation. Each applicant shall submit to a background investigation conducted by the commission's director of security or other person designated by the executive director. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective April 17, 2009.)

112-103-8. Disqualification criteria for a level I, level II, or level III license. (a) A level I license shall be denied or revoked by the commission if the applicant or licensee is or has been convicted of any felony, crime involving gambling, or crime of moral turpitude.

(b) Any license may be denied, suspended, or revoked by the commission, and any licensee may be sanctioned by the commission if the applicant or licensee meets any of the following conditions:

(1) Has knowingly provided false or misleading material information to the commission or its staff;

(2) fails to notify the commission staff about a material change in the applicant's or licensee's application within 10 days;

(3) has violated any provision of the act or any regulation adopted under the act;

(4) is unqualified to perform the duties required;

(5) has failed to meet any monetary or tax obligation to the federal government or to any state or local government;

(6) is financially delinquent to any third party;

(7) has failed to provide information or documentation requested in writing by the commission in a timely manner;

(8) does not consent to or cooperate with investigations, inspections, searches, or having photographs and fingerprints taken for investigative purposes;

(9) has failed to meet the requirements of K.A.R. 112-103-6; or

(10) has any present or prior activities, criminal records, reputation, habits, or associations that meet either of the following criteria:

(A) Pose a threat to the public interest or to the effective regulation of gaming;

or

(B) create or enhance the dangers of unfair or illegal practices in the conduct

of gaming. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective April 17, 2009.)

112-103-9. Examinations. (a) Any applicant for an occupation license may be required to demonstrate knowledge, qualifications, and proficiency related to the license for which application is made through an examination approved by the commission or its designee.

(b) Any applicant who fails the examination may be retested no earlier than 30 days following the first failure and no earlier than six months following the second failure. Each applicant failing the examination on the third attempt shall be ineligible to retake the examination for one year from the date of the third failure. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective April 17, 2009.)

112-103-10. License duration. Each occupation license shall be issued for a period of no longer than two years and one month. Each license shall expire on the last day of the month in which the licensee was born. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective April 17, 2009.)

112-103-11. License renewal. Each occupation licensee wanting to renew the license shall file an application for occupation license renewal with the commission staff. Each application shall be submitted on a form approved by the commission. The completed renewal application shall be filed with the commission staff at least 90 days before expiration of the license. An applicant's failure to timely file the renewal application may result in expiration of the license and an inability to work with or for the facility

manager. (Authorized by and implementing K.S.A. 2008 Supp. 74-8772; effective April 17, 2009.)

112-103-12. Reapplication after license denial or revocation. A person who is denied licensure or whose license is revoked shall not reapply for the same or higher level of license for at least one year from the date of the denial or revocation. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective April 17, 2009.)

112-103-13. Reserved.

112-103-14. Reserved.

112-103-15. License mobility; limitations. (a) Any licensee may work in any other position at or below that license level. If a licensee changes positions for more than one shift in a seven-day period or moves to another facility, the licensee shall notify the commission's licensing staff about the change.

(b) If the commission's licensing staff determines that the person's license no longer reflects that person's actual position, the person shall be required to reapply for the appropriate occupation license. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective April 17, 2009.)

112-103-16. Licenses, temporary work permits, and badges to be commission property. (a) Each license, temporary work permit, and badge issued by the commission shall be the property of the commission.

(b) Possession of a license, temporary permit, or badge shall not confer any right upon the temporary permittee or licensee to employment with a facility manager.

(c) Each licensee or temporary permittee shall return the license or temporary work permit and each badge in that person's possession to commission staff within one day if the temporary permittee's or licensee's employment or contract is terminated.

(Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective April 17, 2009.)