

4 Employee Licensing

The Gaming Commission requires all potential and current employees of the Gaming Operation to be properly investigated in accordance with these regulations and all other Federal and State licensing requirements. No person shall be employed at any Gaming Operation within the Tribe's jurisdiction unless such person is licensed by the Agency.

401 Persons required to obtain a license

A. All persons prior to employment, or as a condition of employment at the Gaming Operation shall be required to successfully obtain a gaming license. The Gaming Operation shall not employ any person without a gaming license. Additionally, certain non-employment relationships with the Gaming Operation may require a license before providing services, as determined by the Agency.

Examples of non-employment relationships include:

- 1) Staffing agency employees
- 2) Temporary appointment employees
- 3) Special event employees
- 4) Consultants or independent contractors whose job duties meet the definition of Key employee or Primary Management Official

B. There are three types of gaming licenses: Primary Management Officials, Key Employees and Occupational License. Each of the licenses are further defined below.

- 1) Primary Management Official (PMO). A PMO is defined in GRA Section 8.5-12. In addition to the persons included in that definition, the Agency designates the following as PMO:
 - a) CEO, Chief Executive Officer
 - b) Vice Presidents, for all departments
 - c) Directors
- 2) Key employee. A Key Employee is defined in GRA Section 8.5-12. There are no other employees designated as "Key Employee" outside of the NIGC definition.
- 3) Occupational license
 - a) Any person that does not meet the GRA definitions for PMO or Key Employee
 - b) An occupational license is granted to employees that are not directly involved in gaming activities, cash handling or have any access to gaming records or player accounts.
 - c) Examples of an occupational license include, but are not limited to:
 - (1) Line Cook
 - (2) Steward
 - (3) Groundskeeper

- (4) Scheduler
 - (5) Housekeeping Attendant
 - (6) EVS Attendant
- d) The Agency shall maintain a list of occupational positions and provide updates to the Gaming Operation.

402 Application and Required Information

The Agency cannot complete its due diligence unless the applicant of a license or the person seeking to renew a license completes the required application and provides all necessary supporting facts and documents.

1. Application

Each prospective employee shall submit a sworn application to the Agency on designated forms and in the manner required by the Agency. All PMO and Key applicants shall be fingerprinted by the Agency for submission. All applicants for an employee gaming license must provide a current photographic image captured by the Agency.

2. Required Identification

Two (2) official forms of valid identification must be presented to the Agency prior to interviewing and/or fingerprinting each applicant for initial licensure. If the applicant affirms any Tribal Affiliation, they will be required to present valid Tribal identification. The following comprises acceptable identification:

- A. One identification must be a valid photo identification
 - 1. Driver's License or State ID
 - 2. Tribal ID
 - 3. Passport
 - 4. Permanent Resident Card
 - 5. Carry Concealed Weapon permit
 - 6. Work Visa
- B. The second identification may be an identification that is not used in Section A above, or one of the following:
 - 1. Social Security Card

2. Birth Certificate
3. Voters Registration

3. Interview and Additional Information

The applicant shall submit to an interview conducted by the Agency.

Additional information or documentation pertaining to an applicant's suitability may be requested following the interview if necessary. The request will be made in writing and signed by the applicant. The applicant shall furnish the requested documents within 7 calendar days of request.

The following list of examples of additional information commonly requested is illustrative and not all-inclusive:

- A. Military documentation, such as DD214s, will be requested to verify the satisfactory character of discharge from an applicable branch of armed services
- B. Financial information may be requested at the discretion of the Agency to verify an applicant's effort to resolve any outstanding negative financial issues
- C. Court dispositions, defendant history, or police reports may be requested to verify, elaborate, and/or clarify an applicant's criminal record or contact with law enforcement

403 Denials and Conditional Approvals

1. Denials

If the Agency determines that an applicant does not, or may not, qualify for the issuance of a license at the level sought by the applicant, or may qualify for a conditional license, it shall notify the applicant that the Agency intends to deny the application. Upon the applicant's request, the Commission shall schedule a hearing in accordance with GRA Sections §8.5 97-108.

2. Conditional Approvals

The Agency may place conditions on an applicant's gaming license when there are regulatory concerns associated with the applicant. This could include patterns of criminal charges, recent arrests, court ordered probation, recent civil actions, and litigation involving the applicant. The applicant will be provided written notice of the terms and conditions that will be placed upon their license.

Conditions that may be placed on a license include, but are not limited, to:

- A. All subsequent contact with law enforcement will be disclosed by the licensee within 72 hours
- B. No additional disqualifying criminal charges will be incurred
- C. Applicant will not engage in any conduct that poses a threat to the integrity of gaming or to the health, safety, or welfare of the general public whether within or outside the jurisdiction of the Tribe
- D. Applicant will abide by all other requirements as stipulated by applicable Tribal, federal and state law.

- E. Applicant acknowledges this license is applicable only to the current job position approved by the Agency, and that all transfers must be approved by the Agency

If the applicant agrees to the terms and conditions the Agency intends to impose without a hearing, the applicant must acknowledge and sign the written notice. If the applicant does not agree to the conditions, upon the applicant's request, the Commission shall schedule a hearing in accordance with GRA Sections §8.5 97-108.

3. Tribal Member Denials\Conditional Approvals

If the applicant is a NHBP Tribal member and does not, or may not, qualify for the issuance of a license at the level sought by the applicant, or may qualify for a conditional license, the licensing determination shall default automatically to a suitability hearing, for which a written request is not necessary.

- A. Such hearings will be conducted for the purpose of determining if the applicant is likely to engage in any offensive or criminal course of conduct again, and if the public good does not require the applicant to be denied a license.
- B. Suitability hearings will be conducted pursuant to procedures specified §8.5 97-108 and these regulations.
- C. As part of the suitability hearing, the Commission may place conditions on the issuance of any license upon the applicant's agreement to comply with certain conditions of holding such license. Conditions shall be related to the type of license sought and shall be narrowly tailored to address any specific regulatory or suitability concerns associated with the applicant.

4. Withdrawal of a License Application

Once filed, an application for any license may not be withdrawn without the expressed permission of the Agency. An applicant may request permission to withdraw an application by submitting a written request, which the Agency may grant or deny at its sole discretion. An applicant may not apply again within 90 days of withdrawing their license. Additional circumstances under which a withdrawal may be considered are as follows, provided this list is illustrative and not all-inclusive:

- A. The applicant has expressed explicit verbal or written intent to withdraw his or her application prior to the Agency's preliminary determination of suitability and the Agency has no objection to such withdrawal
- B. The applicant has failed to provide requested information to the Agency within the designated timeframe

5. Abandonment of Application

If an application has been abandoned by the applicant due to action taken by the Gaming Operation, the applicant may apply within any time frame again with a new employment offer from the Gaming Operation.

Actions taken by the Gaming Operation that would result in an abandoned application include:

- A. The applicant has been deemed ineligible for employment by the Gaming Operation for any reason
- B. The Gaming Operation has rescinded the offer of employment for any reason

6. Temporary licenses

Provided the applicant completes all application requirements, the Agency may, at its sole discretion issue a temporary license pending the satisfactory completion of all background information. The term of a temporary license shall be determined by the Agency at its sole discretion but may not exceed ninety (90) days.

The applicant may commence employment under a temporary license, however, upon the occurrence of any of the following, the temporary license shall be revoked, pending any hearing request:

- A. The Agency receives information indicating the applicant does not meet the standards for a license, causing a denial of the application
- B. The receipt of objections to the issuance of a license by the NIGC (subject to review by the Commission)
- C. The Agency fails to complete the background investigation and submit to NIGC the investigative report and eligibility determination within sixty (60) days of issuance of the temporary license
- D. A violation of any condition the Agency may place on a temporary license

Upon receiving the applicant's request for a hearing to overturn a revocation, the Commission shall schedule a hearing in accordance with GRA Sections §8.5 97-108.

404 Terms of Licenses

All licenses, with the exception of temporary licenses, shall be for a term of two (2) years and shall expire on the second anniversary of the effective date of issuance. As necessary, the Agency may grant licenses for periods of less than two (2) years. The Agency may charge applicants fees for gaming licenses. Any fees required for licenses will be paid by the employee through means determined by the Agency and the Gaming Operation.

When within a Gaming Operation as an employee, all licensees shall have on their person a badge containing the current photo of the licensee, the corresponding license number, the licensee's name, position, department, the date on which the license expires, and the property at which the individual is employed. Each individual shall display the badge on his or her person while officially engaged at the

Gaming Operation according to operational dress codes. All badges are the property of the Agency and shall be returned to the Agency upon cessation of the license.

405 Renewal of Licenses

Renewal applications and fingerprint submissions shall be transmitted by the applicant to the Agency no later than thirty (30) days prior to expiration of the license. The renewal application shall update and supplement any information that is different from previously provided information to the Agency.

406 Transferability of Licenses

The level of licensure granted by the Agency at an applicant's initial determination is associated only with the initial position at time of hire at a Gaming Operation, and its corresponding duties and requirements within the Gaming Operation. Should a licensee transfer positions or assume job duties significantly differing from those permitted within the scope of his or her current level of licensure, such transfer shall be reviewed by the Agency prior to the licensee assuming such position or duties. The Agency will determine if any additional background investigations are to be required before approving the transfer. The transferring employee will be required to complete and provide all necessary information to the Agency. Agency due diligence will likely require completion of: as required by the Agency prior to assuming such position or duties such as:

1. Contacting and interviewing additional references
2. Fingerprints submission
3. Criminal Background
4. Credit Review - Financial information may be requested at the discretion of the Agency to verify an applicant's effort to resolve any outstanding negative financial issues

The Agency shall notify the Gaming Operation promptly of any concerns or objections to such transfers.

407 Causes for Licensing Actions

When the Agency receives information that a gaming licensee has not complied with the terms of the gaming license, the Agency shall have the power to seize, or recommend the license for suspension and /or revocation.

1. Seizure

The Executive Director may seize a gaming license per §8.5-43.7(B)(4). A gaming license may be seized for up to five days:

- A. If the licensee has failed to apply to the Agency for a renewal thirty (30) days prior to the expiration of the license

- B. While a licensee has an outstanding arrest warrant whether within or outside the jurisdiction of the Tribe
- C. Pending request of documentation request related to license suitability

2. Suspension and Revocations: The Agency may issue an intent to suspend or revoke a gaming license if it is determined that any of the following events have occurred (provided this list is illustrative and not all-inclusive):

- A. A licensee has failed to maintain eligibility for the license
- B. The NIGC notifies the Agency that a licensee employed as a PMO or Key Employee is no longer eligible to be licensed
- C. A licensee has failed or refused to comply with any conditions associated with holding such license
- D. After receipt of the request, a licensee has failed to promptly furnish all information documentation, assurances, consents, waivers, fingerprint impressions, photographs, or other materials required or requested
- E. A licensee has failed to notify the Agency within seventy-two (72) hours of any occurrence or event in his or her life which constitutes a material change in any information provided in the licensee's application (ex: arrest, filing of criminal charges, name change, address change, etc.)
- F. A licensee has knowingly or willfully provided materially false or misleading statements or information, or the licensee failed to disclose or omitted pertinent information to the Agency
- G. A licensee has engaged in behavior that poses a direct and immediate threat to the health, welfare, or safety of the general public, whether within or outside the jurisdiction of the Tribe
- H. A licensee has been formally charged with any offense that may disqualify the licensee from holding a license (ex: any offense that is, or would be if committed in Michigan, a crime found between MCL range 750.1 through 750.568 or MCL 333.7101 through 333.7545 of the Michigan Penal Code)
- I. A licensee, having lawful custody of or access to Gaming Operation property, has appropriated, or attempted to appropriate, the same to his or her own use with intent to deprive the Gaming Operation thereof.
- J. A licensee has unlawfully or improperly diverted or attempted to divert, gaming or other revenue properly belonging to the Gaming Operation
- K. A licensee has participated in unauthorized gaming
- L. A licensee has engaged in any conduct specified as a "Prohibited Act" in section §8.5 113.

In order to appeal the suspension or revocation, the licensee must submit a written request for a hearing within seven (7) days of receiving the suspension or revocation notice. The Agency may, on its own, schedule a hearing notwithstanding the lack of written request for a hearing from the licensee. Hearing procedures shall be conducted as detailed in GRA §8.5 97-108.

3. Notice Requirements – To recommend suspension or revocation, the Agency shall provide a notice to the licensee.

The notice must meet the requirements of GRA Section 8.5-68(H). Such notice shall be served on the licensee in person when practicable. Licensee's badge may be confiscated by the Agency until the conclusion of the period. Permissions and access to the Gaming Operation property must be removed during the period. Licensee must not be on Gaming Operation property until the conclusion of the period unless requested by or delivering information to the Agency, or for hearing. Notice shall be issued to appropriate personnel of the Gaming Operation promptly, including the licensee's name and the duration of the period.

408 Re-applications

A. Re-application by applicant after denial or revocation of license.

Except as provided below, any person required to be licensed under the provisions of the Gaming Ordinance or regulations of the Gaming Commission whose license is denied by the Gaming Commission may not apply for a license until one year after notice of the denial.

Any person required to be licensed under the provisions of the Gaming Ordinance or regulations of the Gaming Commission whose license is revoked by the Gaming Commission may not apply for a license until one year after notice of the revocation. The circumstances of the revocation will be reviewed by the Executive Director as part of the application.

This prohibition on reapplication shall also not apply to persons who, after receiving notice of denial or revocation, have had an offense that was the sole basis for his/her license denial or revocation removed from their criminal record by executive pardon, court order, or operation of law, or has expired beyond the timeframe of disqualification.

B. Re-Application for returning licensees. Licensees that voluntarily terminate his/her employment or are involuntarily terminated by the Gaming Operation may, if subsequently offered a position by the Gaming Operation within 90 days of last licensing approval (Application or Renewal) may be reinstated without new application.

If an employee has been reinstated by the Gaming Operation within 30 days of notice of termination is not required to reapply for a gaming license.

Any other licensees will be required to complete the entire process as a new hire.