

California Code of Regulations Title 4, Division 18

Chapter 1. General Provisions.

Article 1. Definitions and General Procedures.

§ 12002. General Definitions.

Unless otherwise specified, the definitions in Business and Professions Code section 19805, supplemented by the definitions found in Chapter 10 of Title 9 of Part 1 of the Penal Code (commencing with section 330), govern the construction of this division. As used in this division:

(NEW) (az) Under section 19805(x) or any successor provision:

(1) "Supervisory capacity" means having the authority to, with regard to the operation of the gambling enterprise, in the interest of an employer, hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline employees, or responsibility to direct them, to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing the exercise of such authority requires the use of independent judgment.

(2) "Discretionary decisions" means a decision requiring the exercise of judgment that regulates the gambling operations regardless if the decision is made under the leadership of another employee. The application of written game rules, policy or procedures by gambling establishment staff does not constitute discretionary decisions.

(3) In applying subsections (1) and (2) the determining factor is the employee's job duties rather than the employee's job title.

Chapter 2. Licenses and Work Permits.

Article 1. Definitions and General Provisions.

§ 12102. General Provisions.

(NEW) (h) Individuals who work in a supervisory capacity or make discretionary decisions must apply for a license as a key employee, except for persons who are not required to do so under the Act or regulations. Both elements do not need to be present in order for an individual to qualify as a key employee. A natural person who is employed solely to supervise employees whose duties are solely to serve or prepare food or beverages if the supervisor and the employees perform their duties only in areas of the establishment in which gambling is not authorized does not have to apply for a key employee license. (SB 819)