

**State of California
Office of Administrative Law**

In re:
California Gambling Control Commission

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11349.3

Title 4, California Code of Regulations

OAL File No. 2012-1121-04 SR

Adopt sections:

Amend sections: 12391(a)(2)

Repeal sections:

This resubmitted rulemaking action clarifies that Title 4 of the California Code of Regulations, section 12391(a)(2), does not prohibit adverse employment action by employers against employees who refuse to play in controlled games when such employees' duties or the scope of their employment include playing in controlled games.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/12/2013.

Date: 12/13/2012



**Dale P. Mentink
Senior Staff Counsel**

**For: DEBRA M. CORNEZ
Director**

**Original: Tina Littleton
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**CALIFORNIA GAMBLING
CONTROL COMMISSION**

1 CALIFORNIA GAMBLING CONTROL COMMISSION
2 **MINIMUM INTERNAL CONTROL STANDARDS (MICS) FOR GAMBLING ESTABLISHMENTS:**
3 **GAMBLING FLOOR OPERATIONS AND HOUSE RULES**
4 CGCC-GCA-2011-02-R
5 **ORDER OF ADOPTION**
6

7 The California Gambling Control Commission hereby adopts the following changes in its
8 regulations contained in Division 18 of Title 4 of the California Code of Regulations:
9

10 CHAPTER 7. CONDITIONS OF OPERATION FOR GAMBLING ESTABLISHMENTS.

11 ARTICLE 3. MINIMUM INTERNAL CONTROL STANDARDS (MICS) FOR GAMBLING
12 ESTABLISHMENTS.

13 **§ 12391. Gambling Floor Operation.**

14 (a) The policies and procedures for all Tiers shall meet or exceed the following standards for
15 gambling floor operation:

16 * * * *

17 (2) ~~Reserved~~ No licensee or employee of a gambling enterprise shall, as a consequence of
18 an employee's refusal to play a controlled game, coerce that employee, or take or threaten to take
19 any action adversely affecting the terms and conditions of employment for that employee.
20 Notwithstanding the forgoing, where an employee's duties or scope of employment includes the
21 play of controlled games, a licensee or employee may take action adversely affecting the terms
22 and conditions of employment against that employee for his or her refusal to play a controlled
23 game. This paragraph does not create any new civil liability.

24 * * * *

25 NOTE: Authority cited: Sections 19801(l), 19811, 19840, 19841, 19861 and 19920, Business and Professions
26 Code. Reference: Sections 19801(a), (g), (h), (j) and (l), 19823, 19841, 19861, 19914(a)(2), 19920 and 19924,
27 Business and Professions Code.

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Underline denotes additions. ~~Strike-through~~ denotes deletions.