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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

December 16, 2009

Kevin O'Toole, Executive Director
Pennsylvania Gaming Control Board
Strawberry Square
Verizon Tower, 5th Floor
Harrisburg, PA 17106-9060

Re: Regulation #125-106 (IRRC #2803)
Pennsylvania Gaming Control Board
Employee Credentials, Design Standards and Internal Controls

Dear Mr. O'Toole:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.lrrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director

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Enclosure

cc: Honorable Jane M. Earl, Majority Chairman, Senate Community, Economic and
Recreational Development Committee
Honorable Wayne D. Fontana, Minority Chairman, Senate Community, Economic and
Recreational Development Committee
Honorable Dante Santoni, Jr., Majority Chairman, House Gaming Oversight
Honorable Curt Schroder, Minority Chairman, House Gaming Oversight

Comments of the Independent Regulatory Review Commission



Pennsylvania Gaming Control Board Regulation #125-106 (IRRC #2803)

Employee Credentials, Design Standards and Internal Controls

December 16, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the October 17, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Section 435a.6. Board credentials. – Protection of the public health; safety and welfare; Implementation procedures; Fiscal impact; Need.

Subsection (c) is being amended to revise the requirements for the display of Board credentials. Commentators have raised several concerns. First, they believe that the exemption provided for food and beverage employees should be expanded to other customer service employees. How did the Board determine which employees would not be required to display their credentials? Has the Board considered expanding the exemption, as suggested by the commentator?

Second, a commentator believes that the requirement to display credentials by employees is problematic because it jeopardizes employee safety and could also lead to identity theft. Is the Board aware of any instances where the safety of slot machine licensee employees has been jeopardized by the requirement to display credentials? If so, how will the requirements of this section and the amendments being proposed help to protect the safety of those employees?

Third, Subsection (c)(2) will require access badges to contain a unique identification number. A commentator has stated that this requirement could be costly. What is the need for this requirement?

2. Section 465a.33. Access to areas containing central compute control equipment. – Clarity.

Subsection (a)(5) is being amended to allow individuals access to the area containing central computer control equipment for emergency situations that require “environmental adjustments.” A commentator believes that the term “environmental adjustments” is vague. We agree. This term should be further explained in the final-form regulation.