

**RULES AND REGULATIONS**

**PENNSYLVANIA GAMING CONTROL BOARD**

**[58 PA. CODE CH 438]**

**Draft Temporary Regulations**

The Pennsylvania Gaming Control Board (Board), under authority in 4 Pa.C.S. § 1202 (relating to general and specific powers), has drafted temporary regulations to facilitate the prompt implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2005 (P.L. 572, No. 71)(Act 71). Included in this draft are regulations pertaining to labor organization registration and permitting. Upon adoption of the regulations by the Board, the Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). By publishing these regulations in draft form, the Board seeks public comment prior to the adoption of the regulations.

*Contact Person*

Interested persons are invited to submit written comments, suggestions or objections to the draft temporary regulations to the Pennsylvania Gaming Control Board, Office of Communications, P.O. Box 69060, Harrisburg, PA 17106-9060, ATTENTION: Public Comment. The public comment period will end on Tuesday June 20, 2006.

**THOMAS A. DECKER, CHAIRPERSON**

ANNEX A

RULES AND REGULATIONS

TITLE 58. RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHAPTER 438]

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**§ 438.1. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

**Labor organization** - Any organization, union, agency, employee representation committee, group, association, or plan in which employees participate which exists for the purpose, in whole or in part, of dealing with a licensed gaming facility

concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, including any conference, general committee, joint or systems board, or international labor organization.

**Labor organization agent** - Any person, compensated or not, who is authorized to represent a labor organization in any employment matter relating to employees who are employed by a licensed gaming entity, or who undertakes on behalf of the labor organization to promote, facilitate or otherwise influence the relations between the labor organization and a licensed gaming entity.

**Labor organization officer** - Any officer or person authorized to perform the functions of president, vice president, secretary/treasurer or other executive function of a labor organization, and any member of its executive board or similar governing body.

**Labor organization principal employee** - Any employee of a labor organization who serves in a management, supervisory or policy making position, which exercises any authority, discretion or influence with regard to any matter relating to employees who are employed in a licensed gaming facility.

**§ 438.2. Labor organization registration.**

(a) Each labor organization, or affiliate representing a labor organization, shall register with the Board in accordance with this section.

(b) Each labor organization shall file a completed registration form in a format prescribed by the Board with the registration fee established by the Board.

(c) Labor organization applicants and registrants shall be subject to the general application and licensing requirements of Chapters 421 and 423 (relating to general provisions and applications).

(d) Labor organization registrations shall be valid for a period of four years from the date on which the registration is approved by the Board. Renewals shall be valid for a period of four years and shall be filed no later than 120 days prior to the expiration of the current registration period. A registration for which a completed renewal application and fee has been received by the Board will continue in effect unless the Board sends written notification to the labor organization that the Board has denied renewal of the registration.

**§ 438.3. Permitting of labor organization officers, agents and principal employees.**

(a) Every labor organization officer, agent and principal employee shall be permitted in accordance with this section.

(b) Every labor organization officer, agent and principal employee shall file a completed Union Permit Application Form with the licensing fee established by the Board.

(c) Applicants and permittees under this section shall be subject to the general application and licensing requirements of Chapters 421 and 423 (relating to general provisions and applications).

(d) Permits issued under this section shall be valid for a period of one year from the date on which the permit is approved by the Board. Renewals shall be valid for a period of one year and shall be filed no later than 60 days prior to the expiration of the current permit. A permit for which a completed renewal application and fee has been received by the Board will continue in effect unless the Board sends written notification to the permittee that the Board has denied renewal of the permit.

**§ 438.4. Enforcement.**

The Office of Enforcement Counsel may initiate proceedings against any labor organization, or labor organization officer,

agent or principal employee for violations of any provisions of this chapter.