

Santa Clara Pueblo Gaming Commission



Environmental, Public Health, and Safety

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CHAPTER IV – GENERAL PROVISIONS

SECTION 26: ENVIRONMENTAL, PUBLIC HEALTH AND SAFETY

26.1	Purpose	26-1
26.2	Authority	26-1
26.3	Coordination Between Gaming Enterprise and the Commission	26-1
26.4	Compliance with Federal Agency and WHO Guidelines	26-1
26.5	Suspension of Gaming Operations: Assessment of Critical Positions	26-2
26.6	Pre-Closure Procedures.....	26-2
26.7	Closure	26-2
26.8	During Closure	26-3
26.9	Re-Opening Gaming Operations and Facilities	26-3
26.10	Employee Training.....	26-4
26.11	Role of the Commissions.....	26-4

CHAPTER V – GENERAL PROVISIONS

SECTION 26: ENVIROMENTAL, PUBLIC HEALTH, AND SAFETY

26.1 Purpose. The purpose of these regulations is to require for the Commission to adopt and enforce ordinances and regulations governing health and safety standards for the conduct of Class III Gaming that are in compliance with the Tribal/State Compact approved on October 23, 2015.

26.2 Authority. The Commission has authority to regulate and to promulgate and enact regulations pursuant to delegated authority from the Santa Clara Pueblo Tribal Council and the Santa Clara Pueblo Gaming Code. The Commission has the responsibility under the Gaming Code to enforce all environmental, public health, safety, and security standards applicable to the gaming operation. The Commission also has the authority to issue regulations, not inconsistent with the Gaming Code, the Compact, and IGRA, to govern the operation and management of each gaming operation and gaming facility. The Commission shall work with each gaming enterprise or management contractor to establish policies and procedures to maintain all applicable EPHS Standards applicable to the gaming operation and/or occurring on the gaming premises.

26.3 Coordination Between Gaming Enterprise and the Commission. In the event of a threat to the environment, public health or safety in which the Santa Clara Pueblo or the federal government issues Environmental, Public Health, and Safety Standards affecting a Gaming Facility and Santa Clara Pueblo, up to and including partial or temporary closure of a Gaming Facility, or should the Gaming Enterprise determine it is necessary to fully or partially close a Gaming Facility on a temporary basis, the Commission shall coordinate efforts with the Gaming Enterprise to address the emergency at hand and, if applicable, to implement an EPHS Standard with respect to the operation and management of the Gaming Facility. Unless otherwise appropriate, an emergency response team comprised of the Executive Director of the Commission, executive(s) or gaming managers for the Gaming Enterprise shall determine the method to implement the EPHS Standard in compliance with existing Tribal Internal Control Standards (“TICS”) and to protect the assets of the Gaming Enterprise and the health and safety of employees and patrons of the Gaming Facility. The organizations shall work together to outline appropriate actions and to allocate responsibilities accordingly. In the event of a conflict between the Commission and the Gaming Facility regarding the implementation of these regulations, the Commission has the ultimate authority on interpretation and any directives to the Gaming Enterprise implementing any EPHS Standards pertaining to gaming, provided that in the event of a direct conflict between an EPHS Standard and a Commission interpretation or directive, the EPHS Standard shall control.

26.4 Compliance with Federal Agency and WHO Guidelines. The Commission, in coordination with the Gaming Enterprise, shall comply with environmental, public health and safety guidelines issued by the U.S. Environmental Protection Agency, the U.S. Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO) whenever appropriate. If implementation of

those guidelines is impracticable, the Commission, in coordination with Gaming Enterprise management, will develop and implement measures that are appropriate to the circumstances.

26.5 Suspension of Gaming Operations; Assessment of Critical Positions. In the event that an EPHS Standard or decision by the Gaming Enterprise results in a temporary full or partial closure of the Gaming Facility, the Commission should assess critical positions including but not limited to agents or other employees to ensure regulatory duties are being upheld. Should the Gaming Facility remain open, the Commission and the Gaming Enterprise must ensure sufficient staffing to remain compliant with applicable NIGC Minimum Internal Control Standards (MICS), TICS, Systems of Internal Control Standards (SICS), the Compact, and other applicable regulatory requirements

26.6 Pre-Closure Procedures.

- (1) The Commission will report temporary closures to the NIGC, within thirty (30) days of closing if the Gaming Enterprise anticipates the Gaming Facility being closed for more than One Hundred and Eighty (180) days.
- (2) The Commission, in coordination with Gaming Enterprise management, shall prepare procedures for closure of the Gaming Facility.
- (3) The Plans must include transferring monetary instruments to the vault for security reasons. The Commission and Gaming Enterprise management should consider transferring the cage and vault cash inventories to their financial institution as the most secure option.

26.7 Closure.

- (1) In the event that an EPHS Standard results in a full or partial closure of a Gaming Facility, surveillance functions must be maintained in order to monitor Gaming Facility assets. If the SCPGC cannot properly regulate gaming activity and the SCPGC and Gaming Enterprise cannot properly monitor assets, the SCPGC and/or Gaming Operation management must determine what steps would best remedy the threat to assets.
- (2) The Commission shall coordinate with Gaming Enterprise management to close a Gaming Facility and to prohibit unauthorized employees from entering the facility. The Commission, in consultation with Gaming Enterprise management, shall create procedures for the following:
 - (a) Developing list of persons authorized to access the Gaming Facility during the closure.
 - (b) Coordinating with IT for potential disabling of non-essential employees' IT access during closure.
 - (c) Monitoring VPN/remote access for vendors and authorized employees.
 - (d) Disabling all machines from play during the closure. Prior to disabling, a snapshot of all meters and in-house progressives shall be obtained and provided to SCPGC and accounting.
 - (e) Performing emergency drop procedures and ensuring all funds are properly secure (e.g. in the vault).
 - (f) Securing all monetary instruments by transferring them to the vault. The SCPGC and

Gaming Enterprise management shall establish circumstances that would require the cage and vault cash inventories to be transferred to the Gaming Enterprise's financial institution.

26.8 During Closure.

(1) The Commission, in coordination with the Gaming Enterprise, shall ensure that TICS and applicable MICS are followed while the Gaming Facility is closed. If TICS and applicable MICS do not provide guidance, security and public health procedures shall be established as appropriate. Procedures include but are not limited to:

- (a) Having back-ups in place with frequent saving of information and testing to ensure back-up systems are functioning properly.
- (b) Reviewing access lists and logs that will assist in terminating any non-essential access. If there is a need for temporary VPN access, then when operations are restored all temporary VPN access shall be terminated. Absent an emergency, persons are not allowed to "bring your own device" until those devices have been vetted to diminish any risks for the Gaming Facility or the Commission. The Gaming Enterprise and the Commission shall consider adding an additional IT Administrative access-user to the IT remote user access group for redundancy.
- (c) Requesting and reviewing user-access logs, network security logs, remote vendor access, accounting systems and back of the house system access logs and reports for changes in financial data or player account activity (e.g. manual point adjustments) while the Gaming Facility is closed. The Gaming Enterprise shall ensure that cameras are positioned to monitor and record all sensitive areas including exits and entrances, and locations where cash, cash equivalents, and gaming supplies are present. The Commission and Gaming Enterprise management shall ensure that surveillance systems' recordings are being backed-up and tested to be certain systems are working properly.
- (d) Evaluating any ongoing investigations, compliance reviews, audits, patron disputes, etc., and determining what matters and tasks can continue to be pursued and performed during the closure.

26.9 Re-Opening Gaming Operations and Facilities.

(1) SCPGC and the Gaming Enterprise shall work together to determine the steps necessary to reopen and operate the Gaming Facility in a manner that protects the environment, public health and safety of employees and patrons.

(2) Procedures must be developed and in place, including but not limited to:

- (a) Health and safety guidelines for employees and patrons in accordance with Santa Clara Pueblo law, EPA, CDC and WHO best practices/guidance, in accordance with 26.7(c), above. Procedures may include, but are not limited to:
 - (i) Ensuring each Gaming Facility maintains an adequate stock of personal protective equipment (PPE) if advised, and requiring distribution of such equipment at no cost to employees.
 - (ii) Training employees on appropriate safety and sanitation measures.
 - (iii) Ensuring a person with detailed knowledge of sanitation protocols is designated on each shift.

- (b) Securing Gaming Operation assets. For example, the cage and vault inventories should be counted and verified against the previous closing balances, with special emphasis and investigations placed on any variances between the two counts.

26.10 Employee Training. Each gaming enterprise shall see that all of its applicable employees are fully trained in the requirements of these regulations pertaining to all environmental, public health, safety, and security standards applicable to the gaming operation and/or occurring on the gaming premises. Such training shall be updated regularly by the gaming enterprise.

26.11 Role of the Commission. The Commission shall ensure the gaming enterprise has procedures established to administer, monitor and ensure compliance with this regulation.