
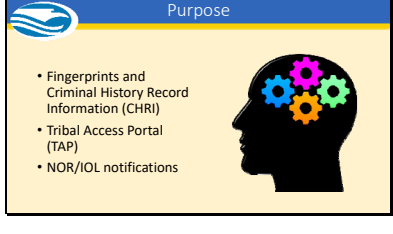
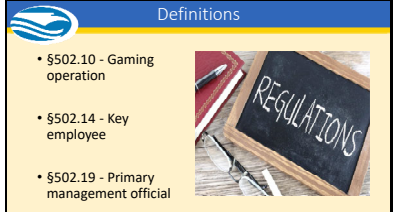


<p>Slide 1</p>		<p>PARTICIPANT GUIDE</p> <p>Chairman Simermeyer promotes four emphasis areas in the Agency’s work, and he is committed to being more engaged and accountable to the Indian gaming industry and Indian Country.</p> <p><u>Industry Integrity</u> Protecting the valuable tool of Indian gaming that in many communities creates jobs, is the lifeblood for tribal programs, and creates opportunities for tribes to explore and strengthen relationships with neighboring jurisdictions.</p> <p><u>Agency Accountability</u> Meeting the public’s expectation for administrative processes that uphold good governance practices and support efficient and effective decision making to protect tribal assets.</p> <p><u>Preparedness</u> Promoting tribes’ capacity to plan for risks to tribal gaming assets including natural disaster threats, the need to modernize and enhance regulatory and gaming operation workforces, or public health and safety emergencies.</p> <p><u>Outreach</u> Cultivating opportunities for outreach to ensure well-informed Indian gaming policy development through diverse relationships, accessible resources, and government-to-government consultation.</p> <p>This training reinforces these four emphasis areas and the agency’s commitment to the Indian gaming industry and Indian Country.</p>
<p>Slide 2</p>		<p>PARTICIPANT GUIDE</p> <ul style="list-style-type: none"> • Fingerprints and Criminal History Record Information (CHRI) • Tribal Access Portal (TAP) • NOR/IOL Notifications
<p>Slide 3</p>		<p>PARTICIPANT GUIDE</p> <p>Who gets licensed as a key employee and or a primary management official?</p> <p>The hyperlink to Part 502 can be found on the NIGC website at https://nigc.gov/general-counsel/commission-regulations</p> <p>§502.10 Gaming operation. <i>Gaming operation</i> means each economic entity that is licensed by a tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by a tribe directly; by a management contractor; or, under certain conditions, by another person or other entity.</p> <p>§502.14 Key employee. <i>Key employee</i> means: (a) A person who performs one or more of the following functions: (1) Bingo caller; (2) Counting room supervisor; (3) Chief of security; (4) Custodian of gaming supplies or cash; (5) Floor manager;</p>

- (6) Pit boss;
- (7) Dealer;
- (8) Croupier;
- (9) Approver of credit; or
- (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or,
- (c) If not otherwise included, the four most highly compensated persons in the gaming operation.
- (d) Any other person designated by the tribe as a key employee.

§502.19 Primary management official.

Primary management official means:

- (a) The person having management responsibility for a management contract;
- (b) Any person who has authority:
 - (1) To hire and fire employees; or
 - (2) To set up working policy for the gaming operation; or
- (c) The chief financial officer or other person who has financial management responsibility.
- (d) Any other person designated by the tribe as a primary management official.

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Job descriptions and salaries

Does your Gaming Commission receive job descriptions and salaries from your gaming operations to determine which positions are required to be licensed?

POLL QUESTION

Does your Gaming Commission receive job descriptions and salaries from your gaming operations to determine which positions are required to be licensed?

- a. Yes
- b. No

PARTICIPANT GUIDE

It is important for Operations to know certain positions/job requirements are required to be licensed by the TGRA.

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Fingerprints

- NIGC-FBI MOU
- NIGC statutory authority for FBI CHRI
- NIGC-Tribal MOU

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The use of the criminal history results is limited for the sole purpose outlined in IGRA – licensing of key employees or primary management officials in the tribe’s gaming enterprise. The Tribe must have an active MOU (Memorandum of Understanding) on file with the NIGC and is subject to compliance regulations and periodic audits.

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Hard cards

Does your agency use hard cards for fingerprinting purposes?

POLL QUESTION
Does your agency use hard cards for fingerprinting purposes?
a. Yes
b. No

PARTICIPANT GUIDE
Capturing Legible Fingerprints
<https://www.fbi.gov/file-repository/capturing-legible-fingerprints.pdf/view>

Guidelines for Preparation of Fingerprint Cards and Associated Criminal History Information
<https://www.fbi.gov/file-repository/guidelines-for-preparation-of-fingerprint-cards-and-association-criminal-history-information.pdf/view>

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Live Scan

- Fingerprints transmitted to NIGC
- NIGC submits to the FBI
- CHRI disseminated to the NIGC
- CHRI retrieved by the tribe

PARTICIPANT GUIDE
Verify the applicant's identity using approved identification sources. Follow the Identity Verification Program Guide prepared by the National Crime Prevention and Privacy Compact Council
<https://ucr.fbi.gov/cc/current-initiatives/identity-verification-program-guide-single-page>

Prior to fingerprinting:

- Ensure applicants receive Noncriminal Justice Applicant's Privacy Rights Notice found at <https://www.fbi.gov/services/cjis/compact-council/guiding-principles-noncriminal-justice-applicants-privacy-rights>
- Ensure applicants receive the FBI Privacy Act found at <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

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Name Search Requests

- Rejected Fingerprint Cards / Resubmissions
- Routine Name Search Procedures

PARTICIPANT GUIDE
2.13 Rejected Fingerprint Cards/Resubmissions
When fingerprint submissions are rejected, you will receive a NIGC and/or an FBI notice with the reason for the rejection.
If cards are rejected for incomplete/inaccurate information, carefully follow the instructions on the reject notice.
If the fingerprint cards were rejected because the fingerprints are illegible or unclassifiable, a new fingerprint card will be needed. Always include a copy of the reject notice/FBI reject sheet with your resubmission .

Applicant cards rejected by the FBI for poor print quality can be resubmitted ONCE free of charge; however, the resubmitted card MUST be received by the FBI within one calendar year of the date of the original reject.

2.13.1 Routine Name Search Procedure
A routine name search procedure requests the FBI to use the name, date of birth, and Social Security number of the applicant whose fingerprints have been rejected twice by the FBI to make a physical search and comparison of their fingerprints to any fingerprint records on file matching their personal information. A fingerprint expert will conduct an examination of the fingerprints and determine with a degree of certainty, if possible, that the prints the tribe submitted did or did not match the records on file at FBI. If they do match, the records on file will be reported to the NIGC and shared with the tribe.

The tribe must follow the routine name search procedure if the fingerprints are rejected twice because the fingerprints are illegible or unclassifiable by the

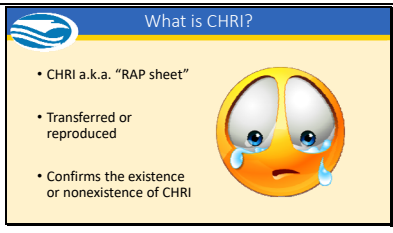
automated process or if the tribe is required to present a page with the applicant's name on it to prove negative FBI name search results.

Routine Name Search Procedure

- 1) The fingerprints must have been rejected twice by the FBI.
 - a) The first reject must be within the past year.
 - b) The name search request must be submitted within 90 days following the second reject.

- 2) The tribe must complete and submit the CJIS Name Search Request Form. The TCN is the number below the bar code on the fingerprint card. Enter the TCN of the last two fingerprint cards that were rejected by the FBI. Write your tribe's OCA in the OCA field. When the form is completed, FAX the form to the NIGC Systems Specialist. It takes two to three weeks to receive the results back from the FBI depending on their volume. The results will be forwarded to your Tribe.

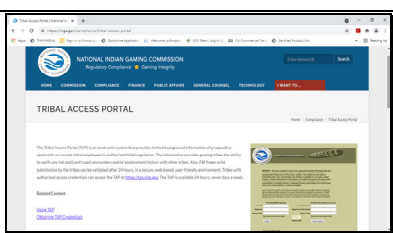
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PARTICIPANT GUIDE

Information is considered CHRI if it is transferred or reproduced directly from CHRI received as a result of a national FBI check and associated with the subject of the record. This includes information such as conviction/disposition data as well as identifiers used to index records regardless of format. Examples of formal and informal products or verbalizations include: correspondence such as letters and e-mails; documents such as forms and hand-written notes; conversations either in person or by telephone; and data fields such as those stored in database tables or spreadsheets. However, information is not considered CHRI if it is obtained as a result of using CHRI received from a national FBI check as a lead to reach out to source record owners such as local courts or state criminal history record repositories. As a prerequisite, both the process used to obtain the source record information and the resulting source record information itself must not directly reference or be attributed to the national FBI check. Information is considered CHRI if it confirms the existence or nonexistence of CHRI.

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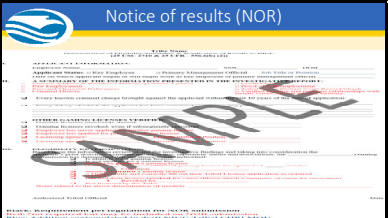
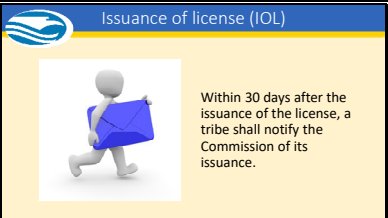
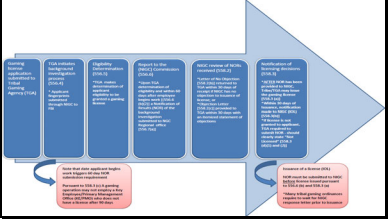
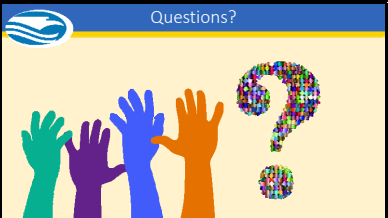


PARTICIPANT GUIDE

<https://nigc.gov/compliance/tribal-access-portal>

POLL QUESTION

- What information does the NIGC Tribal Access Portal provide to a tribe?
- a. The applicant's name together with alias or aliases, if any
 - b. A list of tribes that the applicant has some history
 - c. Telephone and other contact information for those tribes
 - d. All of the above

<p>Slide 11</p>		<p>PARTICIPANT GUIDE §556.6 (b)(2) - Submit a notice of results of the applicant's background investigation to the Commission no later than sixty (60) days after the applicant begins work. The notice of results shall contain: (i) Applicant's name, date of birth, and social security number; (ii) Date on which applicant began or will begin work as key employee or primary management official; (iii) A summary of the information presented in the investigative report, which shall at a minimum include a listing of: (A) Licenses that have previously been denied; (B) Gaming licenses that have been revoked, even if subsequently reinstated; (C) Every known criminal charge brought against the applicant within the last 10 years of the date of application; and (D) Every felony of which the applicant has been convicted or any ongoing prosecution. (iv) A copy of the eligibility determination made under §556.5</p>
<p>Slide 12</p>		<p>PARTICIPANT GUIDE §558.3 Notification to NIGC of license decisions and retention obligations. (a) After a tribe has provided a notice of results of the background check to the Commission, a tribe may license a primary management official or key employee. (b) Within 30 days after the issuance of the license, a tribe shall notify the Commission of its issuance. (c) A gaming operation shall not employ a key employee or primary management official who does not have a license after ninety (90) days. (d) If a tribe does not license an applicant— (1) The tribe shall notify the Commission; and (2) Shall forward copies of its eligibility determination and notice of results, under §556.6(b)(2) of this chapter, to the Commission for inclusion in the Indian Gaming Individuals Record System. (e) A tribe shall retain the following for inspection by the Chair or his or her designee for no less than three years from the date of termination of employment: (1) Applications for licensing; (2) Investigative reports; and (3) Eligibility determinations.</p>
<p>Slide 13</p>		<p>PARTICIPANT GUIDE Here is a visual for the background and licensing process.</p>
<p>Slide 14</p>		<p>PARTICIPANT GUIDE If you need additional technical assistance training please contact your region office or email us at traininginfo@nigc.gov Thank you for attending and please take the survey at the conclusion of this training.</p>