REGULATORS RESPONSE TO COVID-19: VOLUME 4

Friends and Colleagues:

In conversations with several tribal gaming regulatory agencies (TGRA) last week, several questions centered on the topic of reopening our gaming facilities. In this edition of the tribal gaming regulators response to the COVID-19 crisis, we will discuss some of the many considerations that will be presented to regulators, operators, and tribal leadership when considering when and how to reopen our casinos.

Opening a facility, whether as new construction or after closing in response to an emergency, is not a simple task. The process takes planning and time to ensure a facility meets all applicable laws and regulations and it is the TGRA that is ultimately responsible for and attests to the overall integrity of the gaming operation.

The situation in which we find ourselves today, however, presents an added challenge: a national health emergency with a communicable disease. In its 7 April 2020 Frequently Asked Questions document, the NIGC emphasized the TGRA's responsibility to ensure a facility can be opened and operated in a manner that adequately protects the environmental, public health and safety of the patrons and employees. In order to do so, the TGRA will rely on guidelines and standards adopted by their respective tribes or as provided in their Tribal-State Compacts.

Earlier this week, the Wynn Casino in Las Vegas published its Health and Sanitation program, which will be used prior to re-opening the facility as well as for continued operations thereafter. The Wynn program provides thorough guidance on the environmental, public health and safety measures that are of importance to everyone and provides a great resource for tribal gaming operations and regulators to use as they craft their own unique plans. A copy of the plan is attached for your reference.

General health and safety measures are a vital piece of the larger puzzle of re-opening a gaming facility. TGRAs and gaming facility management must also keep sight of all other operational concerns that were affected by the facility closures. Gaming machine readiness, individual gaming licenses, auditing and reporting, and food & beverage preparedness, amongst other issues, must also receive appropriate attention.

The Nevada Gaming Control Board released its "Procedures for Reopening after Temporary Closure Due to COVID-19" on 22 April 2020. Gaming regulation sometimes transcends commercial and tribal

jurisdictions, the concerns and issues covered by the NGCB are shared by the tribal gaming regulatory community and are present in the document that follows.

The information presented here is not meant to address all potential scenarios each tribe will face. Each tribe, tribal gaming facility, and tribal gaming regulatory agency will have to make decisions based on their individual circumstances while remaining compliant will all applicable statutes and Tribal-State compacts. Likewise, new or updated guidelines issued by tribal leadership or public health officials may require plans to be changed as the process unfolds. Returning to "normal" operations will not be accomplished with a "flip of a switch." The process will take time and will require patience and the ability to adapt to situational changes.

Throughout this time, we must remember the importance of communication between all participants in the process: gaming management, state and federal gaming regulatory agencies, tribal gaming regulatory agencies, tribal leadership, and the general public. Transparency and clear communication of the state of our tribal casinos is needed to ensure public confidence in our operations.

Once our facilities are opened and operations grow, the problem is not behind us. Health officials are predicting a second wave of the COVID-19 virus could surge in the fall or winter, causing as much or more disruption as we have already experienced. Continuing operations using enhanced cleaning and sanitation protocols will be necessary. Learning from our experience and planning for this potential second wave will also be necessary. I encourage everyone to take time to review your emergency response plans and update them to provide for your response to a future emergency. If you do not have an emergency response plan, now is the time to create one. A mentor of mine once said "Fortune favors a prepared Nation." I can think of no better situation in which this saying rings true.

Meeting these challenges and taking the measures that need to be taken – not because they are required, but because it is the right thing to do – is the continued demonstration of our shared tribal values of strength, integrity, and perseverance. We *will* continue to rise to the occasion.

Respectfully,

Jamie Hummingbird, Chairman
National Tribal Gaming Commissioners & Regulators

The information contained in this message are solely my views on the current situation and do not necessarily reflect those of the Cherokee Nation, the Cherokee Nation Gaming Commission, the NTGCR Board or its membership.

Considerations for Reopening a Tribal Casino

The information presented below is not meant to address every situation a tribe may encounter as it seeks to reopen its gaming facility. The reopening approach taken will vary state by state, tribe by tribe but must ensure compliance with the tribal gaming ordinance, Tribal-State compact, and any other applicable law or statute. Please consider this material as you develop your individual reopening plan. Conferring with neighboring tribes on common issues can help provide a consistent message and experience, further enhancing public confidence in tribal casinos.

Reopening Preparations

- Development and/or adoption of tribal health and safety standards and protocols by tribal leadership;
  - Refer to or use guidelines or requirements from state regulatory agencies, if applicable;
  - TGRA may also be able to prescribe additional measures or offer interpretations for expected applications of guidelines or requirements, if necessary
- Casino reopening plan drafted by gaming management and approved/accepted by the TGRA:
  - Date & time; by location if operating multiple properties;
  - Change to hours of operation / accounting day;
  - Identification of gaming areas and non-gaming venues to be reopened and which will remain closed;
    - For any closed areas, identify the reopening sequence of each area (date & time);
    - Reinstatement of access control permissions (operations &/or TGRA);
  - Cleaning plan (front of house & back of house); products to be used:
    - General facility;
    - Food & Beverage locations (kitchens, bars, restaurants / buffet, self-service stations);
    - Wardrobe / Uniform cleaning;
    - Electronic gaming machines;
    - Card / Table games;
    - Gaming instruments (e.g. dice, cards, chips);
    - Kiosks / ATMS;
    - Sports Book venue;
    - Retail operations;
    - Hotel;
    - Elevators;
    - Entertainment venues;
    - Business Center / Convention space;
    - Employee dining room;

- Social distancing measures; occupancy limits (as applicable):
  - Electronic gaming machines;
  - Card / Table games;
  - Food & Beverage locations;
  - Players Club / Promotional events;
  - Entertainment venues;
  - Spa / Pool venues;
  - Sports Book venue;
  - Retail operations;
  - Hotel;
  - Elevators;
  - Business Center / Convention space;
  - Employee dining room;
- Provide PPE for employees (masks, nitrile gloves, goggles);
- Increase hand sanitizer locations (front of house & back of house);
- Signage / Communication to vendors, employees, and general public;
  - Sanitation and protective measures;
  - Screening methods and procedures
- Assessment and testing of games / gaming equipment:
  - Test EGMs, as necessary; perform repairs, as needed;
  - Test roulette wheels;
  - Test card / table games shufflers;
  - Test back-up power supplies;
  - Ensure network connectivity for Local / Wide Area Progressives;
  - Ensure correct progressive amounts are displayed (In-House Progressives; Local / Wide Area Progressives; Card / Table games);
  - New machines added as well as any modifications made to gaming systems and/or software during closure must be verified
- Confirm closing and opening inventories of gaming assets and secured items (pit, cage, warehouse) – e.g. cards, chips, dice, roulette balls, fill/credit slips, controlled ticket paper – and investigate any discrepancies
- Cage
  - Re-count of the vault, cage areas, and tables (as applicable) & verify against closing paperwork; investigate any discrepancies;
  - If funds were removed and deposited, confirm amounts and schedule delivery of minimum bankroll;
    - Any changes in minimum bankroll must be preapproved
  - Test currency counting equipment (cage, drop & issue, count room);
  - Identify unredeemed EGM tickets / pari-mutuel wagering vouchers;
    - Establish and publicize limited redemption period;

- ¤ Prepare for an increase in prize claims / disputes;
- ⇌ Determine what changes in standard and jackpot transactions may be necessary
- ≡ Marketing / Players Club
  - ⇌ Review system reports for individual player point balances;
  - ⇌ Submission of promotional activities for TGRA approval;
    - ¤ TGRA consider expedited review of submissions
- ≡ Drop & Count
  - ⇌ Changes to drop routes, schedule, protocols;
  - ⇌ Changes to count protocols;
  - ⇌ Treatment/sanitization of funds;
  - ⇌ Equipment maintenance and cleaning
- ≡ Information Technology
  - ⇌ Review system logs for cyberattacks & investigate any identified successful attempts;
  - ⇌ Review logs for any remote access to servers granted to vendors and determine if work was routine and/or authorized by the TGRA;
  - ⇌ Scan casino-issued devices used by casino personnel that performed work remotely for viruses, malware, or other concerns;
  - ⇌ Disable any unnecessary remote access (VPN, remote desktop);
  - ⇌ Update antivirus security systems;
  - ⇌ Consider suspending system access / email rights for employees not working remotely;
  - ⇌ Consider implementing multi-factor authentication programs;
  - ⇌ TGRA should review regulations and TICS associated with working remotely and make any necessary adjustments; create standards if none exist
- ≡ Hotel
  - ⇌ Changes to cleaning schedule and patron options (e.g. linens must be changed and washed each day);
  - ⇌ Protocols for handling / sanitizing returned room keys;
  - ⇌ Decide whether to resume baggage and room service
- ≡ Valet
  - ⇌ Decide if a change in protocols in handling patron vehicles is necessary;
  - ⇌ Consider whether to resume and any need to change protocols for:
    - ¤ VIP / Limousine service;
    - ¤ Parking lot shuttle;
    - ¤ Airport shuttle
- ≡ Surveillance
  - ⇌ Verify operational status of cameras, recorders, and other components;
  - ⇌ Synchronize with casino management system, if necessary
- ≡ Security
  - ⇌ Guest engagement protocols;
  - ⇌ Cleaning protocols for detention areas;

- Verify key inventory;
- Determine handling and cleaning protocols for shared items:
  - Security vehicles
  - Radios;
  - Earpieces;
  - Keys (including all keys in manual or electronic key inventories)
- Ensure tort claims that were in process prior to closure received proper attention
- Identification and reporting of confirmed or suspected infections of vendors, employees, and patrons
- Coordination of necessary health and safety inspections by appropriate authorities.
  - Safety / Risk Management department – general safety inspections; life safety inspections; fire extinguishers / sprinkler systems;
  - Environmental Health department – food & beverage inspections; pool / spa inspections; hotel inspections;
  - State regulatory agencies, if applicable
- TGRA Licensing department confer with casino Human Resources department to determine:
  - Employees on furlough status;
    - Discuss procedures for recall / return to duty;
    - TGRA consider using an expedited renewal process;
  - Employees that were placed in lay-off status or that resigned or were terminated during closure;
    - TGRA consider reinstatement of license;
  - Those with expired licenses (gaming and other – e.g. alcohol service; food handlers)
- TGRA expedited review and action on third-party product and service providers (e.g. cleaning companies)
- Review status of other regulatory certifications for non-gaming venues (spa, food & beverage, alcohol, tobacco)
- Allowance for protective masks to be worn by patrons, employees, and vendors;
  - Require employees to wear only casino-supplied PPE;
  - Protocols for disposal of casino-supplied PPE;
  - Temporarily modify internal controls; provide protocols for:
    - Full identification of staff entering back of house/secured areas;
    - Full identification of patrons completing financial or other gaming transaction (e.g. comp redemption);
    - Full identification of vendors delivering or working in the casino
- Communication with emergency service providers on the re-opening and continued operations plans and discuss any changes to their response protocols or requirements from local government
- Courtesy notice to state regulatory agency and National Indian Gaming Commission of reopening dates and plan

Continued Operations

- Routine cleaning protocols and schedule by department
- Reopening phases and pre-inspection of venue
- Regular health and safety audits of all reopened areas, as conducted by one or more of the following groups: casino safety department, TGRA, tribal / state health department
- Ensure continued supply of soap, hand sanitizer, and cleaning/disinfecting supplies
- Communication of changes in health and safety measures / protocols
  - Reduced / Increased social distancing measures;
  - Occupancy loads (by venue)

Statutes & Regulations

- Internal Audits
  - Review and assess TGRA ability to complete required MICS / TICS audits and/or follow-up reviews;
  - Consider change in scope (limited review v. full audit);
  - Potentially engage external services to assist in completion of TGRA audit plan
- External Audits
  - This will be contingent upon the tribally defined fiscal year period
- TICS reports
  - Resume regular TICS reporting if it was suspended; note any approved suspension period for audit purposes;
  - Additional / More frequent reporting may be necessary during an initial reopening phase for tracking and resolving any issues that may arise
- Fee submissions
  - Tribal dividends / distributions (monthly/quarterly);
  - Compact fee payments (monthly);
  - NIGC fee assessment (quarterly)
- State / Federal reports
  - Employee licensing;
  - Gaming machines;
  - Net gaming revenues