

## **Fundamentals of Tribal Casino Gaming Regulation – A Primer for Regulators**

### **Top 11 Human Resource Considerations for Tribal Gaming Regulatory Agencies**

Human Resources (HR) functions play a critical role in sustaining the independence, professionalism, and legal defensibility of Tribal Gaming Regulatory Agencies (TGRAs). Whether HR services are provided through tribal government or maintained internally, TGRA human resources must be structured to support a highly regulated workforce while protecting the agency from legal, ethical, and operational risk. The following eleven considerations represent the most important human resources priorities for TGRAs.

#### **1. Structural Independence from Casino Operations**

TGRA human resources must remain completely separate from casino human resources. Combining regulatory and operational HR functions creates conflicts of interest and undermines the independence required of gaming regulators. Many TGRAs appropriately rely on tribal government HR to ensure neutrality and consistency.

#### **2. Strategic HR Delivery Model**

TGRAs must evaluate whether to fund an internal HR function or rely on tribal government HR services. Key considerations include staffing levels, complexity of personnel issues, availability of trained and certified HR professionals, and the use of third-party providers for payroll, timekeeping, benefits, workers' compensation, and employee assistance programs.

#### **3. Legally Vetted Recruitment and Staffing**

HR must oversee standardized, legally defensible recruitment processes, including job description development, applicant screening, interview coordination, and hiring documentation. Proper HR involvement reduces exposure to discrimination claims and ensures hiring decisions align with regulatory responsibilities and published job dimensions.

#### **4. Comprehensive Onboarding and Orientation**

Effective onboarding is essential to regulatory effectiveness. New employees must be introduced to the TGRA's mission, ethics, regulatory authority, and the tribe's history and culture, while completing employment documentation, benefits enrollment, and gaining appropriate data system and facility access.

## **5. Secure and Confidential Personnel Records**

Maintaining complete, accurate, and secure personnel files is a core HR responsibility. Records must include background investigations, evaluations, training certifications, and disciplinary actions, with medical and leave documentation maintained separately to preserve confidentiality and legal compliance.

## **6. Compensation, Benefits, and Leave Administration**

HR must manage salary structures, payroll coordination, benefits administration, and leave tracking in a manner consistent with tribal policies and applicable federal law. Regular compensation reviews and salary studies help ensure equity, retention, and fiscal accountability.

## **7. Performance Management and Accountability**

Structured performance evaluations, probationary reviews, improvement plans, and recognition programs support professional development and regulatory effectiveness. Performance systems should reinforce ethical conduct, sound judgment, and adherence to regulatory standards.

## **8. Employee Relations and Conduct Oversight**

HR plays a central role in addressing workplace complaints, investigating misconduct, and ensuring adherence to codes of conduct, confidentiality requirements, and anti-harassment and anti-discrimination policies. Objective HR oversight promotes fairness and organizational trust. TGRA management through the Executive Director or Gaming Commissioners serve as the hiring manager and retain hiring and employment termination responsibilities.

## **9. Policy Development and HR Compliance**

HR, working with TGRA management, develops and maintains the TGRA Employee Handbook and internal policies while monitoring compliance with tribal employment laws, applicable federal statutes, and compact-related requirements. Keeping policies current reduces legal exposure and operational ambiguity. The TGRA Employee Handbook and internal policies are typically reviewed by the TGRA's legal counsel.

## **10. Ethical Standards and Codes of Conduct**

HR plays a central role in working with TGRA management in the development and administration of codes of conduct, ethics policies, and conflict-of-interest disclosures. TGRA employees must be held to a higher ethical standard due to their oversight role, and HR must ensure consistent enforcement and documentation of ethical expectations.

## **11. Advisory Role and Governance Alignment**

HR serves as an advisory resource to the executive director and TGRA management, providing objective, legally informed guidance on complex personnel matters. While HR advice is non-binding, clear governance structures, where the executive director serves as hiring authority and the gaming commission acts as the appellate body, ensure transparency, accountability, and due process.

### **Conclusion**

Effective human resources management is foundational to the success and credibility of a Tribal Gaming Regulatory Agency. By maintaining independence, ensuring legal defensibility, and supporting a professional regulatory workforce, TGRA HR functions protect the agency, its leadership, and the tribe while enabling the TGRA to fulfill its critical oversight mission with integrity and confidence.

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