



EDUCATION EMPLOYEES

BY ED TARASKUS

Employees must be educated as to the legal issues involved in the highly regulated alcohol beverage industry. Licensees are aware of the common issues that could create violations of the liquor code, which I have covered in past columns.

Licensees must take the time to review with their employees, new hires as well as the veteran alcohol beverage servers, the laws relating to some common employee-caused violations to prevent the violations from occurring.

A paramount issue is avoiding sales to minors, where the valid identification of a state photo driver's license has to be produced by the youthful patron as evidence of legal age. Everyone is aware that you must be 21 years of age to purchase alcoholic beverages in Pennsylvania. However, on many occasions the servers do not even request valid proof of age or carelessly examine the proof-of-age cards by date of birth (a math problem) or do not swipe the ID card when the licensee has a transactional scanning device, which if you do not have one, get one. When there is any doubt as to the patron's age, just card or card anyone looking under the age of 30 years and use the scanning device.

Review the signs of visible intoxication to prevent sales to visibly intoxicated patrons. Signs of intoxication in a patron are odor of alcohol on the breath, glassy eyes, slurred speech, loud speaking, and difficulty walking. If any of those signs are present, the patron must not be served.

A common employee error involves completion of a sales transaction where the alcohol is ordered, paid for, but not delivered to the patron prior to the legal time when alcohol sales must cease (2 am in most cases). The alcohol, usually beer to-go, is held for the patron and delivered after the legal hour when the patron leaves the establishment after 2 am. Here, the licensee will be charged with sales after hours. All sales must be completed, which means ordered, paid for, and delivered prior to the hour when alcohol sales are meant to cease.

Also, employees must be aware that patrons cannot linger on the licensed premises one half hour past the time that all alcohol sales must cease (2 am for restaurant liquor licensees). All patrons must vacate the premises by 30 minutes past the legal hour when alcohol sales must cease. There are no exceptions; even the licensees' non-working employees must vacate. Also, any employees who are cleaning cannot consume or possess alcoholic beverages past the legal hour when sales must cease.

Club licensees may only sell alcohol to members, unless there is a prearranged catered event.

As to music, make sure that employees know that amplified music cannot emanate beyond the licensed premises. Turn the volume down. Monitor the outside of your premises.

Take the time to review these and other legal issues with your employees.

Most employees will try to do a good job, but they need to know what to specifically do and avoid. Set the rules at the beginning so licensees can hold the employee accountable for violating the law. Create an employee manual listing your rules. Have the employees become RAMP certified.

Once a citation is issued for a violation, licensees generally cannot use the employee's misconduct as a legal defense to the violation. (The exception is where a crime has been committed by the employee.) Educating your employees to prevent a violation is a licensee's first line of defense.

There are other legal requirements, so consult with your attorney as to any requirements that you must address with your employees. Protect your license. ■

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