



EDUCATING EMPLOYEES TO AVOID LIABILITY

BY ED TARASKUS

Finding a sufficient number of employees is a recognized national problem, especially for businesses in the hospitality industry. Licensees may be so desperate that they will even hire totally inexperienced persons to staff their establishments. This can create concerns regarding the employees' knowledge of the laws that apply to the alcoholic beverage industry. Therefore, new employees must be educated as to the legal issues involved in the highly regulated alcohol beverage industry. Licensees must take the time to review with both new employees, as well as the veteran alcohol beverage servers, the law as it relates to some common employee-caused violations.

Of paramount importance are sales to minors, where the valid identification such as 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 from a youthful looking patron or carelessly examine the proof-of-age cards as to the date of birth (a math problem) or do not swipe the ID card when the licensee has a transactional scanning device. When there is any doubt as to the age, just card anyone looking under 30 years of age and use a scanning device.

Review the signs of visible intoxication to prevent sales to visibly intoxicated

patrons, for example glassy eyes, slurred speech, the smell of alcohol on the breath, and stumbling. Remember, serving an intoxicated patron could also result in a civil lawsuit where that patron subsequently causes injuries to a third party or even to themselves.

Be clear as to when sales of alcoholic beverages must legally cease. 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). All sales must be completed, which means ordered, paid for, and delivered prior to the hour when alcohol sales are to cease.

Also, employees must be aware that patrons cannot linger on the licensed premises 30 minutes past the time that all alcohol sales must cease and must vacate the premises. There are no exceptions, even the licensees' non-working employees must vacate. Also, no employees who are cleaning can consume 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 where the club has a catering club liquor license.

As for music, make sure that employees know that amplified music cannot emanate beyond the licensed premises. Turn the volume down. A complaining neighbor can initiate a State Police Bureau

of Liquor Control investigation resulting in a citation.

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 specifically what to do and what to avoid. Set the rules at the beginning so licensees can hold the employee accountable for violating the law. Create an employee manual for your establishment listing your rules. Have the employees become RAMP certified.

Once a citation is issued for a violation, licensees usually cannot blame the employee's misconduct as a legal defense to the violation. Educating your employees to prevent a violation is a licensee's first line of defense to a Liquor Code violation or to a lawsuit.

Consult with your attorney as to the issues and the laws that you must address with the employees. An educated employee is a valuable asset to a licensee's business. ■

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