

SECTION 3. PERMITTING / LICENSING

Policy 2.1, Policy on Server Training Requirements for Liquor License Holders

[HISTORY: Adopted 11/07/2011]

I. Purpose: To require all liquor license holders, managers, and servers to complete server training.

II. Policy Guidelines:

A. Mandatory Training Requirements

All liquor license holders, including but not limited to, licensees holding an all alcohol, including seasonal or one-day license, beer and wine license, private club license or retail package store license shall participate in a program designed to train management and bartender employees in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. The manager shall have successfully completed such program prior to his/her appointment and such training and successful completion shall also be required for all bartenders at all establishments with a bar.

B. Programs Available

Listed below are programs that are currently available that meet the requirement of this policy:

1. Training for Intervention Procedures by Servers of Alcohol (TIPS).
2. Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association.
3. Any insurance industry-approved or qualified program offered by a certified trainer and approved by the Board of Selectmen.

C. Verification of Server Training

All Establishments must maintain during operating hours, in an accessible place, a roster or certificate of trained personnel, which shall be maintained for each employee and shall be available for inspection by the licensing authority, or any authorized agent thereof, upon demand at all times. An updated roster shall be submitted with the annual application for the renewal of the license. The roster shall include: (1) employee name; (2) employee date of birth; (3) date of hire; (4) type of training; (5) training certificate date; and (6) date of expiration.

D. Re-Certification

All management and bar personnel shall be required to be re-certified prior to the expiration of the certification granted by an approved program listed in Paragraph 2. (You must be re-certified every three years regardless of the training program).

E. Implementation

All employees required to receive training hereunder must complete such training within thirty (30) days from the date of employment, except that managers shall be trained prior to appointment as set forth in Paragraph 1. With regard to 2012 license renewals only, each establishment must have at least one management person as well as each bartender trained and certified on or before April 1, 2012. In the event any such license holder is unable to meet these requirements, such license holder must request an extension in writing from the Board of Selectmen on or before March 15, 2012 and for good cause, the Board may grant a further extension not to exceed sixty (60) days in order to allow the license holder to comply with the provisions hereof. Any violation of this paragraph may result in a suspension of the license or such other action deemed appropriate by the Licensing Authority until such license holder complies with the provisions hereof.

F. Employee in House Training

All other employees who serve or sell alcoholic beverages shall receive, at a minimum, in-house training similar to that received under the required program set forth in Paragraph 2. A written description of such program, along with a written policy outlining the employee's responsibilities and the disciplinary measures which will be taken against any employee for violating said policy, shall be maintained on the premise at all times. The employee training program shall include the proper procedures for verifying that patrons are at least 21 years of age and not intoxicated. The policy must include mandatory carding for everyone appearing under 27 years of age. A copy of such policy shall also be appended to each renewal application on an annual basis. A signed certification of each employee indicating that the employee has received the described training and has reviewed and understands the written policy describing his or her responsibilities of the disciplinary action which will be taken for violations, shall be maintained on the premises at all times. Copies of all such documents and certifications shall be available to the licensing authority, or any authorized agent thereof, upon demand.

G. Penalty Guidelines

Licenses in violations of the training requirements set forth hereunder shall be subject to the following range of discipline:

1. First Offense - Warning to seven (7) days suspension.
2. Second Offense - Warning to thirty (30) days suspension.
3. Third or Subsequent Offense - Warning to Revocation.

The penalty guidelines are only a guide. The Licensing Authority may use its discretion in determining whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested by the guidelines. The penalty guidelines shall not be construed so as to limit the Licensing Authorities' power to consider alternative dispositions, or further conditions on a license or even alternate penalties including, but not limited to, reduction and/or rolling back of operating hours.