**Department:** Food and Beverage

**Date:** July 2019

**Applies to:** All culinary and service team members

**Criteria:** OLCC HOUSE POLICY

**Purpose:** To ensure adherence and compliance to Oregon State OLCC policies concerning the service of alcohol (beer, wine, liquor, cider) to restaurant and hotel guests.

**Source:** Oregon Liquor Control Commission Handbook

**OREGON LIQUOR CONTROL COMMISSION (OLCC)**

You never want to be “that person” who is involved in the accident or “that person” who has to make the call to parents, children or family that their loved one has been in an accident or taken some innocent persons life because of someone’s lack of judgement, addiction or idiocy due to alcohol. Do your part because the life you save may be yours or someone you know.

Below are some key points from OLCC training and licensing that are to be used while employed with Territory. Please read through them, apply the lessons and techniques. If all else fails, get law enforcement involved.

**DEFINITIONS**

**Alternative ID**: Identification that does not stand alone; is always 1) a descriptive piece, which must include the person’s name, address, date of birth, physical description or photo, and signature; 2) a supportive piece which further proves the person’s identity.

**Good faith effort:** Placing your hand on the drink and trying to remove it. If touching the drink may cause a disturbance, then good faith effort means making a verbal request for the drink.

**Implied Consent Law**: Says that anyone who drives on Oregon’s roads has given their consent to submit to a BAC test upon request of the police. If the person refuses the test, they automatically lose driving privileges for a minimum period of one year.

**Incident log**: A daily record of any events occurring in an establishment kept by the licensed premises.

**Intervention**: The alcohol server's legal and professional responsibility to control and limit the customer's consumption of alcohol to prevent: drinking to intoxication, or visibly intoxicated persons from continuing to consume alcohol, or minors from drinking alcohol, or intoxicated persons from driving.

**Intoxication**: The condition of physical and mental impairment resulting from consumption of alcohol or other drugs, legal or illegal.

**Legal duty**: A duty the law requires a person to perform.

**Liability**: Responsibility

**Minimum food service**: A requirement that Full On-Premises Sales licenses have food available at all times when alcohol is served. The specific requirements depend on the type of operation. For commercial establishments open to the general public, the requirement is 5 different substantial items (such as sandwiches, pizza, soup, or sausages) available any time regular meals are not served.

**Minor**: In Oregon, any person younger than 21 years of age

**Professional duty**: Duties a server chooses to perform because he or she wants to do more than legal duties to protect customers, himself or herself, and society in general.

**Responsible alcohol service**: The legal and professional responsibility of alcohol servers to consistently take care that customers do not drink to intoxication, allow minors in possession of alcohol, intoxicated customers are not served and do not drive.

**Third party liability**: A law that allows a victim to sue a server or licensee or a social host for damages and injuries resulting from the actions of a customer. In Oregon, third party liability applies when the server or licensee violates the law by serving a minor or a visibly intoxicated person. The first party is the licensee/server, the second party is the customer, and third party is the victim.

**REASONING**

Servers and establishments can be held liable for damages if they break the law, most commonly by serving alcohol to a visibly intoxicated person (VIP) or to a minor. The goals of the OLCC’s Alcohol Server Education Program are to help you in your job as an alcohol server to realize your ability to:1)positively influence social behavior,2)reduce the number of intoxicated drivers, and3)reduce the deaths, injuries, damages, societal problems, and costs resulting from the misuse of alcohol.

Alcohol servers are in a position of public trust to dispense a drug that we have seen can have deadly results when used inappropriately. Servers who are trained in responsible alcohol service can significantly reduce the number of intoxicated drivers and resulting lawsuits that can affect the server's and owner's finances for years.

In Oregon:

- It is illegal to serve alcohol to a person under 21 years of age

- It is illegal to serve alcohol to a visibly intoxicated person (or a VIP)

- It is illegal to allow a VIP to continueto consume alcohol.

**THREE KINDS OF DUTIES**

To serve alcohol responsibly, you must learn about and practice legal, house, and professional duties:

**Legal duties** are duties which the law requires you to perform. All servers and licensees must

follow legal duties. An example of a legal duty is refusing to serve alcohol to a visibly

intoxicated person.

**House duties or house policies** are set by the place of business and are equal to or stricter than

legal duties. All employees of the business are expected to follow house duties. Servers must

talk with their owner or manager to find out their house duties. An example of a house duty is

not serving doubles. It is not illegal to serve a double, but the establishment has decided it is

important to not put that much alcohol in front of a customer at one time. Other examples of

house duties are not stacking drinks, discouraging servers from pushing drinks, using a daily

incident log. ***Territory’s House Policies are listed at the end of this document.***

**Professional duties** are duties which you choose to perform because you want to domore than

Your legal duties in order to protect your customers, yourself, and society in general.

Individuals follow the professional duties they set for themselves. An example of a

professional duty is stopping an intoxicated person who intends to drive a car.

**VALID IDENTIFICATION**

**Checking ID’s** – We will check ID’s of anyone who looks younger than the age of 30.

**Acceptable ID’s** – The only acceptable ID forms:

1. Unexpired and unaltered U.S. state driver license (includes

District ofColumbia)

1. Unexpired and unaltered ID card issued by a U.S. state, District of Columbia,Puerto Rico, Guam, Northern Mariana Islands, US Virgin Islands, orAmerican Samoa with:
   1. *Photo*
   2. *Name*
   3. *Date of birth*
   4. *Physical description*
2. Unexpired and unaltered ID card issued by a federally recognized Indian tribewith:
   1. *Photo*
   2. *Name*
   3. *Date of birth*
   4. *Physical description*
3. Unexpired and unaltered US Military ID card
4. Unexpired and unaltered passport or passport ID card

**How to Check ID’s** – To check valid forms of ID, please ask customers must remove the ID from any wallet or sleeve.

* Feel for cuts, bumps, or uneven lamination
* Check the expiration date
* Make sure the birth date shows the person is 21 or older
* Compare the photo with the person (height, weight, facial

structure)

* Be able to read and understand the ID
* See “**TIPS FOR CHECKING ID**” at end of this document.

**Better Safe than Sorry** – Selling alcohol to minors. Any employee who sells alcohol to a minor will be require to retake an OLCC approved training course, along with the entire service team, in addition to covering any and all costs associated with this training for the first violation.

**If the same employee is found to have sold alcohol to a minor a second time, that persons employment with Territory will be terminated.**

**Liability** - liability applies only when servers and licensees violate the law. ***If servers and licensees follow the law, they are protected from liability.***

Servers who serve alcohol to VIPs or to minors expose themselves and their employers to liquor liability lawsuits. Because licensees are responsible for the actions of their employees, they can also be sued. Servers and establishments that do not serve alcohol to visibly intoxicated persons or to minors help protect themselves from third party liability lawsuits

If age cannot be verified – do not sell that person alcohol. Protect yourself from liability.

**Incident Log** - The best protection against liability lawsuits is to not serve alcohol to visibly intoxicated persons or to minors. For additional protection, licensees and servers should keep a daily record of events in their businesses.

An incident log is a written record of any event such as a fight, refusing service to a minor or intoxicated person, confiscating ID, and calling the police. The log provides documentation to help build a defense in case a lawsuit is filed.

Information to record in an incident log includes:

• Names and addresses of customers, employees, and any other

witnesses. If you do not know someone's name, describe them.

•License plate number if an automobile is involved.

•Date and time of day.

•Describe events before, during, and after the incident.

Daily, consistent entries--even when there are no problems--demonstrate responsible business practices. The records should be kept for over two years because lawsuits can be filed up to two years after an event. Servers should consider keeping an individual incident log that they can take with them if they go to work at a different business.

A daily record provides other valuable business information, such as customer trends, requests or complaints, employee relations, and more. This can be a useful tool in improving the business.

**TERRITORY HOUSE RULES**

All employees are expected to follow all house policies regarding the service and selling of alcohol. The following list contains house policies that will be used to prevent problems and promote a safe environment for our customers and our neighbors:

1. Employees will know and obey liquor laws and house policies.
2. We will check ID’s of anyone who looks younger than the age of 30.
3. Managers will always support employees in refusing alcohol to minors and visibly intoxicated persons.
4. All on-duty employees must be notified when a customer is refused service.
5. Signs of visible intoxication are posted in BOH areas. (*see below)*
6. Signs stating that we will not sell alcohol to minors or visibly intoxicated persons are posted in BOH areas.
7. Employees may not report to work under the influence of alcohol or other intoxicants.
8. Employees must not consume alcohol or other intoxicants while on duty.
9. Servers will not push alcoholic drinks.
10. Servers will offer food and non-alcoholic drinks.
11. Servers will offer non-alcoholic “spacer” drinks between alcoholic

drinks.

1. We do not serve pitchers of alcohol to groups.
2. Rather than announcing “last call” near closing time, servers will announce that drinks will be picked up in 10 minutes.
3. No alcohol will be served during the last hour the establishment is open.
4. We will support the Designated Driver Program by offering free (or low-cost) non-alcoholic beverages and snacks.
5. We will make every effort to keep intoxicated customers from driving, including offering free food to encourage them to stay longer, providing alternative transportation, or arranging overnight accommodations in exchange for an approved payment/rate and the guests car keys.
6. If an intoxicated customer insists on driving, the manager will immediately notify the police.
7. Servers will notify the manager of incidents such as cutting off or refusing service to a patron or ejecting a patron. The manager will make daily entries in an incident log and each employee will initial the log at the end of his or her shift regardless of whether an incident occurred.
8. Servers will not allow drinks to stack up in front of a customer.
9. Customers will respect our business, staff, and other customers or they will be required to leave.
10. We will serve individual customers no more than 2 high-volume alcoholic drinks, such as Long Island Iced Teas.
11. Minor spouses and domestic partners will not be allowed in areas prohibited to minors.

**PROFESSIONAL INTERVENTION ATTITUDES**

A professional attitude and approach when cutting off or refusing service keeps you in control of the situation. Can you think of any time when you lost control of a situation? Are there different ways you could have acted or things you could have said differently that would have allowed you to stay in control?

Many professional servers use these guidelines:

**Be courteous and concerned**. People are more cooperative when they feel they are being respected and helped, rather than being put down. You might try a statement such as “I want to see that you get home safely.”

**Be confident**. Confidence convinces people you are doing the right thing. Act confident even if you don't feel especially confident--no one will know the difference!

**Be tactful**. Never accuse a customer of being intoxicated. State simply that you cannot serve more alcohol and offer an option, such as, "Why not make this one coffee?

**Be discreet**. Make every effort not to embarrass the customer in front of friends or business associates. If possible, speak to the person privately.

**Be firm**. Don’t allow the impaired customer to talk you out of the rational decision you have made. Use a phrase that gets the message across and stops an argument in its tracks like, “I'm sorry I can't serve you anymore--it's against the law".

Occasionally it’s difficult to cut off service. By being prepared, you can keep control of the situation even though an intoxicated customer may be hostile, threatening, and irrational. Three reminders for dealing with difficult customers:

**•Remain calm**. It helps to remember that the customer is the one with impaired judgment, not you.

**•Get help**. Tell the manager or other servers. Sometimes even the hostile customer’s friends can help diffuse the situation. Occasionally you may even need to call the police.

**•Avoid a fight**. Fights are bad for business and could result in a lawsuit.

**50 VISIBLE SIGNS OF INTOXICATION**

**APPEARANCE**  
1. Bloodshot, glassy eyes 2. Flushed face  
3. Droopy eyelids 4. Dazed look  
5. Body tremors 6. Blank stare  
7. Disheveled clothing

**SPEECH**

8. Thick, slurred speech 9. Loud, noisy speech  
10. Speaking loudly, then quietly 11. Rambling train of thought  
12. Making irrational statements 13. Bravado, boasting  
14. Slow response to questions or comments

**ATTITUDE**

15. Annoying other guests and employees 16. Argumentative

17. Aggressive or belligerent 18. Obnoxious or mean

19. Inappropriate sexual advances 20. Boisterous

21. Overly friendly to other guests or employees

**BEHAVIOR**22. Swaying, staggering, or stumbling 23. Unable to sit straight  
24. Careless with money 25. Difficulty making change  
26. Restless 27. Depressed or sullen  
28. Crying or moody 29. Grinding teeth

30. Overly animated or entertaining 31. Agitated, anxious

32. Drowsiness 33. Lack of focus and eye contact  
34. Difficulty standing up 35. Unusual walk  
36. Falling off of chair 37. Falling asleep  
38. Can't find mouth with glass 39. Falling down  
40. Difficulty lighting cigarettes 41. Lighting more than one cigarette  
42. Clumsy 43. Difficulty remembering  
44. Spilling drinks 45. Disoriented  
46. Crude, inappropriate speech or gestures 47. Extreme or sudden change in

Behavior

**OTHER**

48. Odor of alcohol, marijuana or chemicals 49. Excessive perspiration

50. Repeated trips to the restroom or outside

