

RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM CLASSROOM INSTRUCTORS OF SERVER/SELLER TRAINING

This document details the application and approval process of classroom instructors, the minimum standards of classroom training, the classroom instructor responsibilities, the deauthorization of classroom instructors and additional prohibited conduct of classroom instructors.

§ 5.231. Classroom instructor application.

(a) A person desiring authorization to be a classroom instructor shall submit an application issued by the PLCB and pay a \$500 nonrefundable application fee, as well as a fee for a criminal record check.

(1) The PLCB will only accept applications during scheduled open enrollment periods. The PLCB reserves the discretion to limit the number and frequency of open enrollment periods based on operational restrictions.

(b) The minimum qualifications of a classroom instructor include the following:

(1) Possessing a high school diploma or GED.

(2) Within the previous 5 years, having a minimum of 2 years of experience, full-time, as a trainer or in giving presentations in the field of education, law, law enforcement, substance abuse prevention, hospitality related to hotel/restaurant management or alcohol service training or other equivalent combination of experience and training.

(3) Being 21 years of age or older.

(4) Having no convictions that are related to alcohol, narcotics or other controlled substances and having no felony convictions in the previous 10 years.

(5) Attending owner/manager training once in the year preceding the date the application for instructor authorization is filed. Classroom instructors shall attend the owner/manager training in a classroom setting.

§ 5.232. Classroom instructor approval process.

(a) Applicants shall attend a 2-day mandatory training session in Harrisburg before the PLCB will issue a notice of authorization. An applicant who does not attend and complete the 2-day training session will be disqualified from consideration as a classroom instructor.

(b) The PLCB shall issue a notice of authorization to those applicants who have successfully completed the training session. The period of authorization shall be 1 year from the date of issuance of the notice of authorization. The classroom instructor is required to successfully complete a probationary period.

(1) Within the first 3 months of probation, the PLCB will evaluate the classroom instructor at least once. There are five possible evaluation ratings: Outstanding, Commendable, Satisfactory, Needs Improvement, or Unsatisfactory.

(i) The classroom instructor must receive an “Outstanding,” “Commendable,” or “Satisfactory” rating in order to successfully complete the probationary period.

(ii) If the classroom instructor receives a “Needs Improvement” rating, the classroom instructor will be re-evaluated by the PLCB at any time within the next 3 months. Upon re-evaluation, the classroom instructor must receive an “Outstanding,” “Commendable,” or “Satisfactory” rating in order to successfully complete the probationary period. If the classroom instructor does not, the PLCB will terminate the classroom instructor's notice of authorization.

(iii) If the classroom instructor receives an “Unsatisfactory” rating, the PLCB will terminate the classroom instructor’s notice of authorization.

(iv) “Termination” will be treated the same as deauthorization for purposes of § 5.236 (relating to deauthorization of classroom instructors).

§ 5.235. Renewal of authorization.

(a) At least 30 days prior to the expiration of the classroom instructor's authorization, the classroom instructor shall submit an application for renewal of authorization, which will be provided by the PLCB. A \$300 fee must accompany the classroom instructor's application for renewal of authorization, as well as a separate fee for a criminal record check.

(b) If the classroom instructor is using an alternative curriculum, the classroom instructor shall submit a copy of the most recently PLCB-approved curriculum with the application for renewal of authorization. If the classroom instructor is using the standard curriculum, the classroom instructor need not submit a copy of the standard curriculum with the application for renewal of authorization.

(1) If the classroom instructor does not want to make material changes to the alternative curriculum from the last time it was approved by the PLCB, no additional fee is required.

(2) If the classroom instructor wants to make material changes to the alternative curriculum, then an additional \$250 fee, for a total of \$550, must accompany the classroom instructor's application for renewal of authorization. The classroom instructor shall use the alternative curriculum approved by the PLCB until the notice of authorization has been renewed.

(c) *Untimely applications for authorization renewal.*

(1) The PLCB may accept an application for authorization renewal that is filed less than 30 days before the expiration of the current authorization, but not after expiration, if the applicant includes an additional filing fee of \$100.

(2) The PLCB will not accept an application for renewal of authorization ~~renewal~~ that is filed after the expiration of the current authorization.

(3) The PLCB will not accept, for a minimum of 1 year from the date of expiration, an application from a classroom instructor whose authorization has expired. Under such circumstances, a new application must be filed, not an application for renewal. Applications will only be accepted during a period of open enrollment. See § 5.231(a) (relating to classroom instructor application).

§ 5.233. Minimum standards of classroom training.

(a) A classroom instructor shall conduct training sessions conforming to either the PLCB's standard curriculum or an alternative curriculum approved by the PLCB.

(1) Each training session must consist of at least 2 1/2 hours of uninterrupted instructional time, not including time spent reviewing information with students or administering the final examination. Each training session must be taught in one session from start to finish.

(2) The ratio of students per classroom instructor may not exceed 40 to 1.

(b) A classroom instructor shall notify the PLCB of the following:

(1) At least 7 calendar days in advance of scheduling any training session. A classroom instructor shall provide notification to the BAE through the BAE's page on the PLCB's web site.

(2) Immediately of any training session cancellation. A classroom instructor shall provide notification to the PLCB by telephone or by e-mail.

(3) Immediately of any changes to the training schedule. A classroom instructor shall provide notification to the PLCB by telephone or by e-mail.

(c) A classroom instructor shall obtain the student information indicated in paragraphs (1)—(4) at the beginning of the training session. A classroom instructor shall send a completed attendance sheet to the PLCB within 7 days of the end of the training session, including the following information from each student:

(1) Name.

(2) Home address and e-mail address.

(3) Telephone number.

(4) Student identification number issued by the PLCB.

(5) Licensed establishment name, address and licensee identification.

(6) Time, date and location of training.

(7) Pass/fail score on the test.

(d) At the conclusion of the training, the classroom instructor shall administer a final examination prepared by the PLCB, ensuring that students complete the final examination individually, as a closed book examination, without access to references or assistance from others to aid in the completion of the final examination.

(e) Within seven days, the classroom instructor shall grade the final examinations and notify students of their grades. A score of 80% or better is required to pass. The classroom instructor shall provide a standard participant wallet card to each student who passes the final examination. These wallet cards are provided to the classroom instructor by the PLCB. A student who does not pass the final examination may, at the first opportunity, schedule training and take the final examination again. However, the student may not retake the final examination without receiving the training again.

§ 5.234. Classroom instructor responsibilities.

Classroom instructors have the responsibility to do the following:

(1) While on probationary status, the classroom instructor shall adhere to all of the PLCB's Regulations and Probationary Status Instructor policies that will be provided by the PLCB.

(2) Using the standard curriculum provided by the PLCB, or an alternative curriculum approved by the PLCB, provide students with information regarding the current status of the law on issues regarding the sale or service of alcoholic beverages by licensees. Classroom instructors shall provide each student with a student manual that corresponds to the standard curriculum or an alternative curriculum approved by the PLCB.

(i) A classroom instructor shall refrain from making any MATERIAL changes to the standard curriculum without being required to do so by the PLCB.

(ii) A classroom instructor shall refrain from making any MATERIAL changes to an alternative curriculum without first receiving approval from the PLCB to make the proposed modifications or changes.

(iii) If the classroom instructor wants to make material changes to either the standard curriculum or an approved alternative curriculum, the classroom instructor must submit the curriculum, including the material changes, to the BAE for review and approval, in accordance with the provisions of section 5.213(b) (relating to alternative curriculum), unless the changes were required by the PLCB.

(3) Schedule training sessions in locations-throughout this Commonwealth.

(4) Conduct at least two training sessions per quarter and train at least 225 students per year. Classroom instructors may request a waiver of the minimum requirements in this paragraph by sending a letter or e-mail to the PLCB. The PLCB will waive the requirements for minimum training activity for instructors due to temporary, nonrecurring exigencies, such as instructor illness or family emergency, bad weather or other circumstances beyond the instructor's control.

(5) Provide accurate records of attendance and course completion, as required under § 5.233(c) (relating to minimum standards of classroom training), to the PLCB within 7 calendar days following each training session through the BAE's page on the PLCB's web site. Original attendance sheets must be submitted to the PLCB by first class United States mail, other delivery or express service or by e-mail.

(6) Attend instructor meetings as scheduled by the PLCB.

(7) Attend in-class owner/manager training at least once per year.

(8) Acknowledge or respond to e-mails, telephone calls or any other contacts placed by the PLCB, licensees and/or trainees within 48 hours.

(9) Submit all forms of correspondence used for marketing purposes to the PLCB for approval prior to dissemination. A classroom instructor shall not use any forms of correspondence for marketing purposes that have not been approved by the PLCB.

(10) Notify the PLCB within 7 days of a change in the classroom instructor's telephone number, e-mail address or physical address and provide the PLCB with the new telephone number, e-mail address or physical address.

§ 5.236. Deauthorization of classroom instructors.

(a) The PLCB will send a notice of violation to a classroom instructor by certified United States mail if the classroom instructor is:

(1) Failing to meet the minimum standards of classroom training set forth in § 5.233 (relating to minimum standards of classroom training).

(2) Failing to meet the responsibilities set forth in § 5.234 (relating to classroom instructor responsibilities).

(3) Engaging in prohibited conduct set forth in § 5.251 (relating to additional prohibited conduct).

(b) The notice of violation will give the classroom instructor a deadline if the violation can be remedied. The amount of time given to remedy the violation will vary depending upon the complexity of the circumstances.

(c) If the violation is not remedied by the deadline, or if the PLCB has grounds to issue a second notice of violation within the same authorization year as the first notice of violation, the PLCB will send a notice of deauthorization to the classroom instructor by certified United States mail. An appeal of the PLCB's decision to deauthorize shall be in accordance with 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure).

(d) The PLCB will not accept, for a minimum of 1 year from the notice of deauthorization, an application from a classroom instructor that has been issued a notice of deauthorization. Under such circumstances, a new application must be filed, not an application for renewal. Applications

will only be accepted during a period of open enrollment. See § 5.231(a) (relating to classroom instructor application).

§ 5.251. Additional prohibited conduct.

The PLCB may deauthorize classroom instructors or online training providers for violating any of the provisions of this subchapter or engaging in the following conduct:

- (1) Discrimination or harassment based on age, race, sex, disability, national origin or religion, or any other protected class under the Pennsylvania Human Relations Act, 43 P.S. §§ 951—963.
- (2) An act that is in violation of the Liquor Code or this title.
- (3) An act resulting in a misdemeanor or felony conviction.
- (4) An act resulting in admittance into an Accelerated Rehabilitative Disposition (ARD) program if the underlying activity is related to alcoholic beverages, narcotics or controlled substances.
- (5) Being under the influence of alcoholic beverages, narcotics or controlled substances during training presentations, breaks, or the final examination.
- (6) Knowingly permitting students to be under the influence of alcoholic beverages, narcotics or controlled substances during training presentations, breaks, or the final examination.
- (7) Cheating or condoning cheating by students.
- (8) Knowingly providing false information on reports submitted to the PLCB.