

May 26, 2015

Lauren Brown, PHR, SHRM-CP
Human Resource Manager
Brown Golf Management
The Clubs at Colonial Ridge

RE: Employment of Minors

Dear Ms. Brown:

ISSUE: This office is in receipt of your e-mail, dated May 12, 2015, wherein you ask whether you may employ sixteen (16) and seventeen (17)-year-old minors as “servers” and “bussers.” You explain that the bartender will be serving the alcoholic beverages at the tables that these minors are serving.

Records maintained by the Pennsylvania Liquor Control Board (“Board”) indicate that Colonial Golf and Tennis Club, LLC holds Privately-owned Public Golf Course Liquor License No. PGR-305 (LID 61946) for use by it at premises located at 4901 Linglestown Road, Harrisburg, Pennsylvania.

OPINION: The general rule in Pennsylvania is that minors under the age of twenty-one (21) are prohibited from frequenting retail licensed premises where alcoholic beverages are sold for on-premises consumption. [47 P.S. § 4-493(14)]. Further, section 493(13) of the Liquor Code generally makes it unlawful for any hotel, restaurant, or club liquor licensee, or any retail dispenser, to employ or to permit any minor under the age of eighteen (18) to serve any alcoholic beverages or to employ or permit any minor under the age of sixteen (16) to render any service whatsoever in the licensed premises. [47 P.S. § 4-493(13)]. However, minors between the ages of sixteen (16) and eighteen (18) may be employed in licensed premises to serve food, clear tables and perform other similar duties, not to include the dispensing or serving of alcoholic beverages. [Id.].

Moreover, there is a provision in the Board’s Regulations that permits a seventeen (17)-year-old minor to be treated as though he or she is eighteen (18) years old for purposes of employment if he or she is a high school graduate, or if he or she has been declared to have attained his or her academic potential by the chief administrator of the school district where the minor resides. [40 Pa. Code § 5.14]. In that case, the licensee must have in its possession on the licensed premises, to be produced on demand, a certified copy of the diploma or certificate of graduation or a letter on the official stationery of the minor’s school district and over the signature of the chief administrator of the school district, declaring that the minor has attained his or her academic potential. [Id.].

Additionally, please note that golf courses, ski resorts and amusement parks may employ fourteen (14) and fifteen (15)-year-old minors to perform work so long as alcohol is not being concurrently dispensed, stored or served in the room or area in which the minor is working. [47 P.S. § 4-493(13)].

Therefore, considering the above, you would be permitted to employ sixteen (16) and seventeen (17)-year-old minors to serve food, clear tables and perform other similar duties. However, these minor employees cannot dispense or serve alcoholic beverages.

That being said, since employment of minors is primarily regulated by the Department of Labor and Industry, you may wish to contact that agency as well. Its phone number is (717) 787-5279.

Should you have any additional questions, do not hesitate to contact this office.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 15-228