

Guidance for Businesses in the Restaurant Industry Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public

Issued May 27, 2020, updated July 15, 2020

Purpose

The virus that causes the Coronavirus 2019 Disease (“COVID-19”) is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to safeguard public health and safety.

COVID-19 can be transmitted from infected individuals even if they are asymptomatic or their symptoms are mild, such as a cough. It can also be spread by touching a surface or object that has the virus on it and then touching your mouth, nose or eyes. This guidance document addresses the procedures businesses in the restaurant industry must follow to limit the spread of COVID-19 to the extent they are permitted to conduct in-person operations.

Businesses Subject to This Guidance

The Commonwealth is employing a regional and industry-specific approach to reopening non-life-sustaining businesses. All business owners should refer to the Commonwealth’s Phased Reopening website for the most current county designations.

Retail food service businesses, restaurants, private event spaces and wedding venues with food service are permitted to provide take-out and delivery sales, as well as dine-in service in outdoor seating areas so long as they strictly adhere to the requirements of this guidance including maximum occupancy limits.

- Indoor areas, including bar areas, of restaurants and retail food service businesses must be closed to customers except for through-traffic. Non-bar seating in outdoor areas (i.e., tables or counter seats that do not line up to a bar or food service area) may be used for customer seating.
- Customers being served must be seated at a table.

All businesses in the retail food services industry, including restaurants, wineries, breweries, private clubs, and bars, are permitted to provide take-out and delivery sales of food, as well as dine-in service in both indoor and outdoor seating areas so long as they strictly adhere to the requirements of the guidance, as required by this guidance, including:

- Prohibition from conducting operations unless the facility offers sit-down, dine-in meals or is serving take-out sales of alcoholic beverages. Customers being served must be seated at a table; bar service is prohibited.
- Alcohol only can be served for on-premises consumption when in the same transaction as a meal.
- Take-out sales of alcohol for the purposes of off-site consumption are permitted subject to any limitations or restrictions imposed by Pennsylvania law.
- Non-bar seating in outdoor areas (i.e. tables or counter seats that do not line up to a bar or food service area) may be used for customer seating.

This guidance applies to all restaurants, private event spaces and wedding venues with food service, licensed clubs, and bars, regardless of whether the business operates within a larger facility such as a hotel, casino, convention center, conference center or similar large venue.

Private event spaces and wedding venues which do not offer food service are not subject to this guidance, but must follow all applicable provisions of the commonwealth's Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public.

No business is required to conduct in-person operations, and should not do so if the business is unable to do so in accordance with all applicable guidance.

Policy

It is the policy of the Administration to ensure that all businesses subject to this guidance conduct their operations in the manner best designed to prevent or mitigate the spread of COVID-19 and ensure the safety of their employees and the communities in which the businesses reside or serve. All businesses, even those that are authorized to maintain in-person operations, must minimize opportunities for personal interaction because such interactions provide greater opportunities for the transmission of COVID-19.

Protecting Employees and the Public

All businesses and employees in the restaurant and retail food service industry authorized to conduct inperson activities pursuant to this guidance **must** do the following:

- Follow all applicable provisions of the Guidance for Businesses Permitted to Operate During the COVID19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public, including provisions requiring the establishment of protocols for execution upon discovery that the business has been exposed to a person who is a probable or confirmed case of COVID-19.
- Require all customers to wear masks while entering, exiting, or otherwise traveling throughout the restaurant or retail food service business. Face coverings may be removed while seated.
 - Individuals who cannot wear a mask due to a medical condition (including children under the age of two years per CDC guidance) are not required to wear masks and are not required to provide documentation of such medical condition.
- Provide at least six feet between parties at tables, (i.e., the six feet cannot include the space taken up by the seated guest) or physical barriers between customers where booths are arranged back to back. If tables or other seating are not movable, seat parties at least six feet apart.
- Spacing must also allow for physical distancing from areas outside of the facility's control (i.e. such that pedestrians on a sidewalk can pass with at least six feet of distance to customer).
- Ensure maximum occupancy limits for indoor and outdoor areas are posted and strictly enforced. Maximum occupancy, to include all customers and employees at the facility, is calculated using the following two methods. The more restrictive number must be used.
 - Method 1. Limit indoor occupancy to 50% of stated fire code maximum occupancy, if the facility has self-certified starting on September 21st. If restaurants do not self-certify, they may not exceed 25% of the indoor occupancy limit. When no fire code capacity is published or available for outdoor dining, occupancy of up to 25 people per 1,000 square feet number is allowed. Sales of food and alcohol for outdoor or off-premises consumption may continue as otherwise permitted by law.
 - Method 2. Arrange the restaurant or retail food service business so that customers sitting at a table are not within six feet of any customers sitting at another table in any direction and calculate the maximum number of customers that can be accommodated.
- In addition to these maximum occupancy limits, additional limits apply to discrete gatherings and events which may be held within the restaurant, facility, or venue, such as weddings, and catered events. Specifically, restaurants, facilities and venues must limit the total number of individuals gathering at one time (including staff) for any discrete gathering or event within the interior of the facility or venue to 25 individuals. Discrete gatherings or events in outdoor locations are limited to 250 people.
- Don't use shared tables among multiple parties unless the seats can be arranged to maintain six feet of distance between parties.
- Train all employees on the importance and expectation of increased frequency of handwashing, the use of hand sanitizer with at least 60% alcohol, and provide clear instructions to avoid touching hands to face.
- Assign employee(s) to monitor and clean high touch areas frequently while in operation including entrance doors, bathroom surfaces, host stands etc., and continue to regularly clean all other areas of the restaurant or retail food service businesses. Clean and disinfect any shared items with which customers will come in contact such as tabletops, digital menus, check presenters, and digital payment devices after each customer use.

- Implement procedures to increase cleaning and sanitizing frequency in the back of house. Avoid all food contact surfaces when using disinfectants.
- Provide physical guides, such as tape on floors or sidewalks and signage on walls to ensure that customers remain at least six feet apart in lines or waiting for seating or in line for the restroom. Encourage customers ordering take-out to wait in their vehicles after ordering.
- If live musicians are performing at a restaurant, facility or venue, they must remain at least six feet from patrons and staff.
- Provide non-medical masks for employees to wear at all times and make it mandatory to wear masks while at the restaurant or retail food service business. An employee does not need to wear a mask if it impedes their vision, if they have a medical condition, or if it would create an unsafe condition in which to operate equipment or execute a task. Employers may approve masks obtained or made by employees according to Department of Health policies.
- Where possible, stagger work stations to avoid employees standing adjacent or next to each other. Where six feet of separation is not possible, consider spacing options that include other mitigation efforts with increased frequency of cleaning and sanitizing surfaces.
- Establish a limit for the number of employees in shared spaces, including break rooms, and offices to maintain at least a six-foot distance.
- Ensure employees do not share equipment to the extent possible (e.g., cooking equipment, trays, etc.).
- Verify that dishwashing machines are operating at the required wash, rinse and sanitize temperatures and with appropriate detergents and sanitizers.
- Follow all requirements of the Department of Agriculture's Food Code regulations, even when altering from normal types of food delivery.
- For entities that hold and possess a valid restaurant or hotel liquor license that lost more than twenty-five per centum (25%) of the person's average monthly total sales, including alcohol sales, as a result of restrictions imposed during the COVID-19 disaster emergency may sell prepared beverages and mixed drinks for off-premises consumption where meals prepared for pick-up or curbside pick-up are also available. Current law requires that sales of these "cocktails-to-go" must cease at 11 pm.

All businesses and employees in the restaurant and retail food service industry authorized to conduct inperson activities pursuant to this guidance are **encouraged** to do the following:

- Establish a written, worksite-specific COVID-19 prevention plan at every location, perform a comprehensive risk assessment of all work areas, and designate a person to implement the plan.
- Prior to each shift, ask that the employees self-measure their temperature and assess symptoms.
- Utilize reservations for dining on premises to maintain records of all appointments, including contact information for all customers.
- Use staff-facilitated seating where appropriate. If seating is not staff facilitated and tables cannot be moved to meet the physical distancing requirements outlined above, tables that should not be used must be clearly marked as out of service.
- Allow no more than 10 people at a table, unless they are a family from the same household.
- Use single-use disposable menus (e.g., paper) and discard after each customer, or utilize a written posting such as a chalkboard or whiteboard to relay menu information.
- Close or remove amenities and congregate areas non-essential to the preparation and service of food or beverages such as dance floors, game areas, playgrounds, small games of chance and tavern gaming etc.
- Use technology solutions where possible to reduce person-to-person interaction, including mobile ordering; text or phone app technology to alert customers when their table is ready to avoid use of "buzzers;" and contactless payment options.
- Install physical barriers, such as sneeze guards and partitions at point of sale terminals, cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult.
- Consider methods to make point of sale terminals safer, including use of no contact applications, placement of a glass or clear plastic barrier between the employee and the customer, and providing a hand sanitizer station for customer and employee use after handling credit/debit cards, PIN terminals, or exchange of cash.
- Consider installing touchless door and sink systems or providing single-use barriers (e.g., deli tissues, paper towels) for use when touching door and sink handles.

- Schedule closure periods throughout the day to allow for cleaning and disinfecting, including bathrooms (i.e., after lunch service).
- Servers should avoid touching items on tables while customers are seated to the extent possible. Dedicated staff should remove all items from the table when customers leave.
- Use separate doors to enter and exit the establishment when possible.
- When protective equipment such as face coverings are used, launder daily and wash hands after touching/adjusting face covering while working.

All businesses and employees in the restaurant and retail food service industry authorized to conduct inperson activities pursuant to this guidance are **prohibited** from doing the following:

- Placing condiments on tables for use by multiple parties. Condiments should instead be dispensed by employees upon the request of a customer.
- Using reusable menus, other than digital menus sanitized after each use.
- Operating amenities and congregate areas non-essential to the preparation and service of food or beverages such as child play areas, interactive games, and video arcades. Electronic jukeboxes are permissible.
- Refilling food and beverage containers or implements brought in by customers, unless the container or implement can be refilled without contact with the tap or dispenser, containers are sanitized before use, or the tap or dispenser is sanitized before and after each use.

In addition to the requirements above, all private event spaces and wedding venues with food service authorized to conduct in-person activities pursuant to this guidance must require event hosts to maintain a list of all guests in attendance including phone number and expected location 14 days after the event.

This guidance does not authorize any specific external area near or adjacent to a business in the restaurant industry for outdoor dining. Businesses must obtain any permits or other authorization, as required, to serve food and beverages outside of physical indoor service areas.

Further Guidance and Support

In addition to this guidance restaurants and retail food service businesses may wish to review the CDC's Considerations for Restaurants and Bars.

Help is available for people who are struggling with their mental or emotional health or feeling anxious or overly stressed. Contact the Crisis Text Line by texting PA to 741-741.

The Administration recognizes the difficulty of procuring materials businesses need to safely resume operations. If assistance is needed to locate masks and other supplies to carry out these required safety procedures, please visit DCED's Business2Business Interchange.

Enforcement

Failure to strictly adhere to the requirements of this guidance may result in disciplinary actions up to and including suspension of licensure, including liquor licenses. Restaurants may increase occupancy and continue to operate at 50% indoor capacity if they elect to self-certify. Restaurants that wish to self-certify must do so starting on September 21st. If restaurants do not self-cert by October 5, they must operate at no greater than 25% indoor capacity. Beginning October 5th, state enforcement agencies may impose penalties on businesses that have not self-certified and exceed 25% indoor capacity.

Law enforcement officers should refer to Enforcement Guidance available online here.

If employees or customers want to report possible health and safety violations in the workplace related to COVID-19:

1. File a complaint with a local health department or a law enforcement agency.
2. Submit this webform to the PA Department of Health.

3. Review OSHA guidance and, if appropriate, file a complaint at OSHA.gov.

Reminders to Contain the Spread of COVID-19: Social Distancing and Other Requirements

When people need to leave their places of residence in connection with allowable individual activities, allowable essential travel, or by virtue of exemption from this policy, the Department of Health strongly encourages individuals to abide by the following social distancing requirements to:

- Maintain a distance of at least six feet from other individuals;
- Wash hands with soap and water for at least 20 seconds as frequently as possible, or use hand sanitizer if soap and water are not available;
- Cover coughs or sneezes with a sleeve or elbow, not hands; Do not shake hands;
- Regularly clean high-contact surface areas;
- When sick, stay at home;
- Follow all guidance on gathering sizes applicable in Yellow and Green counties.

Additional Information

For the most up-to-date, reliable information, please continue to refer to the Commonwealth of Pennsylvania's website for Responding to COVID-19 in Pennsylvania.