

## CDC Guidance for Restaurants and Bars

The Centers for Disease Control and Prevention (CDC) has produced unpublished guidelines to businesses in the food service industry, dividing the opening or reopening status of restaurants and bars into **three phases**. The phased reopening is similar to the CDC's guidance for reopening other businesses in many respects, but there are some unique protocols for restaurants and bars.

During the first phase, bars must remain closed and restaurant service must remain limited to drive-through, curbside takeout or delivery with **strict** social distancing. In Phase One, restaurants and bars are to:

- Limit service to drive-through, curbside takeout or delivery;
- Provide physical guides such as tape on floors to ensure that customers stay at least 6 feet apart, post signs to encourage customers to wait in their cars for takeout and inform them of food pickup protocol;
- Consider installing physical barriers such as sneeze guards or partitions at cash registers;
- Restrict number of employees in shared spaces; and
- Rotate or stagger shifts.

During the second phase, bars may open with limited capacity; restaurants may open dining rooms with limited seating capacity that allows for social distancing. Phase 3 allows bars to open with increased standing room occupancy that allows for social distancing and allows restaurants to operate while maintaining social distancing. In addition to continuing the Phase 1 protections, during Phases 2 and 3, bars and restaurants should:

- Provide drive-through, curbside takeout or delivery service and prioritize outdoor seating;
- Reduce occupancy and limit party size to ensure customers are 6 feet apart (stools, tables at least 6 feet apart);
- Encourage customers to wait in their car to be seated and use phone or app technology instead of buzzers for seating; and
- Allow dine-in customers to order ahead of time to limit occupancy time in restaurant.

Although the CDC's proposed guidelines do not contain universal occupancy restrictions, states that have already allowed dine-in service to resume have enacted guidelines to restrict occupancy in restaurants. Many of these states (Indiana, Iowa, Mississippi, Montana, Nevada, Nebraska, North Dakota, Tennessee, Utah and Washington) have restricted seating to 50 percent of restaurant capacity. Other states have enacted even tighter restrictions. For example, Arkansas and Kentucky are limiting seating to 33 percent of restaurant capacity and Alaska, Florida and Texas are limiting seating to 25 percent of restaurant capacity.

Recommended safety actions for all three phases include the promotion of healthy hygiene practices (washing hands, wearing face coverings, having an adequate supply of soap

and hand sanitizer containing at least 60 percent alcohol). The proposed guidelines also recommend several intensified cleaning, disinfection and ventilation measures for all phases. These include:

- Clean and disinfect frequently touched surfaces (door handles, cash registers, work stations) at least daily and shared objects (payment terminals, tables, receipt trays) between use;
- Wash, rinse and sanitize food contact and preparation surfaces as well as beverage equipment after use;
- Provide individual disinfectant wipes in the bathrooms
- Use disposable or digital menus, single-serving condiments and no-touch trash cans and doors;
- Use touchless payment options as much as possible;
- Use disposable utensils and plates if possible or ensure that nondisposable food service items are washed and handled with gloves;
- Ensure that employees wear gloves during and wash hands after handling food service items, washing dishes or taking out trash;
- Avoid using food and beverage implements brought in by customers;
- Ensure ventilation system is working properly and open doors/windows or use fans when possible; and
- Take steps to ensure that all water systems and features (drinking fountains, decorative fountains) are safe after a prolonged facility shutdown to minimize the risk of Legionnaires' disease and other diseases associated with stagnant water.

Should a patron or staff member test positive for COVID-19, the restaurant or bar should close for a few days, or for longer if cases increase in the local area. For all phases, the CDC recommends that employers consider assigning vulnerable workers duties that minimize their contact with customers and other employees (*e.g.*, managing inventory as opposed to working as a cashier).

Restaurants and bars must monitor employees for signs and symptoms of COVID-19 by conducting daily temperature checks and symptom screening, and should encourage workers who are sick to stay at home. It is recommended to make plans for addressing staff members who become sick and for workers with symptoms to immediately be separated and sent home. Areas where a sick employee worked should be cleaned and disinfected after 24 hours to limit risk to the individual cleaning. Anyone who is exposed to a worker with COVID-19 should be informed to stay home and monitor symptoms. Maintaining a flexible sick leave policy, monitoring absenteeism to identify trends, having a roster of qualified backup staff, designating a staff person to respond to COVID-19 concerns and creating a communication system available to employees and customers for self-reporting of symptoms is advised.

When following the proposed guidelines listed above, it is important to comply with applicable laws concerning confidentiality, privacy, the Americans with Disabilities Act and OSHA.

#### **For More Information**

**Contact Partner Eve Klein 212.692.1065 Email: [EIKlein@duanemorris.com](mailto:EIKlein@duanemorris.com)**