JAY INSLEE
Governor

STATE OF WASHINGTON
Office of the Governor

TO: Interested Stakeholders

FROM: Governor Jay Inslee

DATE: July 9, 2020

SUBJECT: Clarifying Restaurant and Tavern Rules – Proclamations 20-25 and 20-25.4

This memorandum serves to clarify Phase 2 and Phase 3 restaurant and tavern rules and is effective June 25, 2020.

a) **Bar-style seating and live music are hereby prohibited in Phase 2 and Phase 3.**

b) Restaurants and taverns in Phase 2 or beyond are now permitted to resume self-service buffets, salad bars, salsa bars, and other similar communal food sources and drink stations, subject to the business:

1) Strictly complying with all Phase 2 and Phase 3 restaurant requirements;
2) Ensuring the use of antimicrobial hand sanitizer by customers before and after handling serving utensils;
3) Installing permanent barriers, such as sneeze guards, to protect food; and
4) Monitoring the communal food and beverage areas to ensure that customers maintain physical distancing and all other rules.

This memorandum stands in the place of any omission from and supersedes any conflicting provision in Proclamation 20-25's Appendix, "Essential Critical Infrastructure Workers," the Governor's May 11, 2020, memorandum entitled "Partially Resuming the Dine-In Restaurant and Tavern Industry," and the Governor's Safe Start Plan.

This memorandum does not relieve any business or individual from following all face covering requirements contained in Proclamation 20-25.4, Secretary of Health's Order 20-23, and other relevant documents.

The activities described in this memorandum may resume immediately if:

a) **Businesses can meet and maintain all requirements, including providing materials, and equipment needed to comply; and**

b) **Businesses conduct only those operations that are permitted under their county's phase status.**

- **General questions about how to comply with safety practices** can be submitted to the state's Business Response Center at https://coronavirus.wa.gov/how-you-can-help/covid19-business-and-worker-inquiries.

- **All other violations related to Proclamation 20-25** can be submitted at https://bit.ly/covid-compliance.

Phase 2 and Phase 3 Restaurant and Tavern COVID-19 Requirements

Restaurants and taverns are permitted to operate, provided all requirements in this document are met:

The restaurant or tavern must adopt a written procedure for dine-in service and entertainment that is at least as strict as the procedures below and complies with all safety and health requirements.

All Phases:

Restaurants and taverns must ensure strict adherence to all measures established by the Governor's guidance, the Department of Labor & Industries (L&I) Coronavirus (COVID-19) Prevention: General Requirements and Prevention Ideas for Workplaces, and the Washington State Department of Health Workplace and Employer Resources & Recommendations (DOH). All businesses are required to make their customers to use cloth face coverings when interacting with their staff.

1. Hand sanitizer should be available at entry for all staff and patrons (assuming supply availability).

2. If the establishment does not offer table service, they must have protocols in place to ensure adequate social distancing at food and drink pick-up stations, and seating within their dining area.

3. Tables must be placed far enough apart when measured from occupied chair to occupied chair, to ensure dine-in guests seated at a table are a minimum of 6 feet away from guests at adjacent table, or there must be a physical barrier or wall separating booths or tables.

4. Customers must wear a cloth face covering anytime they are not seated (while being seated or leaving, or while going to the restroom) and while they are talking at tables and not eating.

5. Single use menus or reusable menus that are sanitized after each use, are required for in-person dining.

6. Any condiments typically left on the table (ketchup, soy sauce, etc.) must be single-use or sanitized after each use.

7. Restaurants and taverns must have implemented a plan to ensure proper physical distancing in lobby/waiting areas/payment counters.

8. Minimize the number of staff serving any given table. It is strongly recommended that one staff person take a table's order, bring all of their beverages/food/utensils, take their payment, etc.

9. All patrons must be seated at the specific seating capacities specified for each phase. Standing is prohibited in any area of establishment, except for the lobby/waiting area and then must be done while maintaining 6 feet of distance between patrons.

10. All live entertainment is prohibited.

Phase 2:

1. No bar seating is permitted during Phase 2. If an establishment has bar seating it must be closed off to prohibit use.

2. All parties and tables must be 5 guests or less.

3. Guest occupancy at restaurants and taverns must be 50% of maximum building occupancy or lower as determined by the fire code. Outdoor seating is permitted but must also be at 50% capacity. Outdoor seating does not count toward the building occupancy limit. Outdoor seating must follow

all other requirements in this document.

4. Buffets and salad bars are permitted and must follow Department of Health guidance.

Phase 3:

1. No bar seating is permitted during Phase 3. If an establishment has bar seating it must be closed off to prohibit use.

2. All parties and tables must be 10 guests or less.

3. Guest occupancy must be 75% of maximum building occupancy or lower as determined by the fire code. Outdoor seating is permitted but must also be at 75% capacity. Outdoor seating does not count toward the building occupancy limit. Outdoor seating must follow all other requirements in this document.

4. Buffets and salad bars are permitted and must follow Department of Health guidance.

Employee Safety and Health

A restaurants and taverns operating during in any phase has a general obligation to keep a safe and healthy facility in accordance with state and federal law, and comply with the following COVID-19 worksite- specific safety practices, as outlined in Governor Jay Inslee's "Stay Home, Stay Healthy" Proclamation 20-25, and in accordance with the Washington State Department of Labor & Industries General Requirements and Prevention Ideas for Workplaces and the Washington State Department of Health Workplace and Employer Resources & Recommendations at https://www.doh.wa.gov/Coronavirus/workplace. All businesses are required to post signage at the entrance to their business to strongly encourage their customers to use cloth face coverings when inside the business.

Employers must specifically ensure operations follow the main L&I COVID-19 requirements to protect workers, including:

- Educate workers in the language they understand best about coronavirus and how to prevent transmission and the employer's COVID-19 policies.

- Maintain minimum six-foot separation between all employees (and customers) in all interactions at all times. When strict physical distancing is not feasible for a specific task, other prevention measures are required, such as use of barriers, minimize staff or customers in narrow or enclosed areas, stagger breaks, and work shift starts.

- Provide personal protective equipment (PPE) such as gloves, goggles, face shields and face masks as appropriate or required to employees for the activity being performed. **Cloth facial coverings must be worn by every employee not working alone on the jobsite unless their exposure dictates a higher level of protection under Department of Labor & Industries safety and health rules and guidance.** Refer to Coronavirus Facial Covering and Mask Requirements for additional details. A cloth facial covering is described in the Department of Health guidance, https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/ClothFacemasks.pdf.

- Ensure frequent and adequate hand washing with adequate maintenance of supplies. Use disposable gloves where safe and applicable to prevent transmission on tools or other items that are shared.

- Establish a housekeeping schedule that includes frequent cleaning and sanitizing with a particular emphasis on commonly touched surfaces.

- Screen employees for signs/symptoms of COVID-19 at start of shift. Make sure sick employees stay home or immediately go home if they feel or appear sick. Cordon off any areas where an employee with probable or confirmed COVID-19 illness worked, touched surfaces, etc. until the area and equipment is cleaned and sanitized. Follow the cleaning guidelines set by the CDC to deep clean and sanitize.

A site-specific COVID-19 Supervisor shall be designated by the employer at each job site to monitor the health of employees and enforce the COVID-19 job site safety plan.

A worker may refuse to perform unsafe work, including hazards created by COVID-19. And, it is unlawful for their employer to take adverse action against a worker who has engaged in safety- protected activities under the law if their work refusal meets certain requirements.

Employees who choose to remove themselves from a worksite because they do not believe it is safe to work due to the risk of COVID-19 exposure may have access to certain leave or unemployment benefits. Employers must provide high-risk individuals covered by Proclamation 20-46 with their choice of access to available employer-granted accrued leave or unemployment benefits if an alternative work arrangement is not feasible. Other employees may have access to expanded family and medical leave included in the Families First Coronavirus Response Act, access to use unemployment benefits, or access to other paid time off depending on the circumstances. Additional information is available at https://www.lni.wa.gov/agency/outreach/paid-sick-leave- and-coronavirus-covid-19-common-questions.

No restaurant or tavern may operate until they can meet and maintain all the requirements in this document, including providing materials, schedules and equipment required to comply. No reopening inspections are required prior to a restaurant reopening provided they meet and maintain all requirements in this document. All issues regarding worker safety and health are subject to enforcement action under L&I's Division of Occupational Safety and Health (DOSH).

- Employers can request COVID-19 prevention advice and help from L&I's Division of Occupational Safety and Health (DOSH).

- Employee Workplace safety and health complaints may be submitted to the L&I DOSH Safety Call Center: (1-800-423-7233) or via e-mail to adag235@lni.wa.gov.
- General questions about how to comply with agreement practices can be submitted to the state's Business Response Center at https://coronavirus.wa.gov/how-you-can-help/covid-19-businessand-worker-inquiries.
- All other violations related to Proclamation 20-25 can be submitted at https://bit.ly/covid-compliance.