

Guidance for Reopening Restaurants

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Whenever you plan to reopen your restaurant, advanced planning is essential. The health and safety of your customers and employees must be a priority upon your reopening, as is paying particular attention to compliance with federal, state, and local guidelines.

Business owners have a legal duty to take reasonable measures to limit customers' and employees' exposure to dangerous conditions. Proposed legislation may shield businesses from liability for customers' and employees' exposure to COVID-19, but all businesses must take steps to maintain their premises in a safe condition.

This is particularly challenging for restaurants as reasonable safety standards are still in development as our collective understanding of COVID-19 changes from day to day and in an environment where, because of the nature of the services offered, it is difficult for customers and some employees to wear masks. At a minimum, restaurants should also keep abreast of and follow the most recent CDC and WHO guidelines.

Typical advice includes the following:

- Emphasis on advanced ordering, curbside pick-up, and take-out service is advisable as a significant part of your business model going forward. Expect that a small portion of customers will return immediately, and a small portion of customers will not want to leave their homes no matter what measures you take, while most customers fall in between those two extremes. Finding ways to accommodate the concerns of as many customers as possible will be essential to making the best of the "new normal."
- Where restaurants do reopen their dining areas, consider a customer decongestion and traffic management plan so that your restaurant implements "social distancing" by design. A part of that can include designating particular doors as "entrances" and other doors as "exits" if there are multiple entry points. One specific area can be identified as a "pick-up only" area, or a restaurant can require pick-up at the curbside only. Tables can be spaced at least six feet apart in the dining area. The capacity of the dining area can be limited to five patrons per 500 square feet of the dining area, resulting in an overall capacity of at most 25% of the previous seating capacity. Bar areas can remain closed. Physical barriers or booths can be used to provide further protection for guests while seated.
- Hygiene and sanitization will be top of mind for your customers and thus should be of primary concern for you. Assess how to provide hand sanitizer within your restaurant, including making it freely available throughout the store, such as in hotspots like the front of the house, waiting areas, bathrooms, and host or cashier stations. All front-of-house contact surfaces and all areas accessible to the public should be thoroughly cleaned, detailed, and sanitized before beginning service and sanitized at least every two

hours during the time the public is present. Using disposably-packaged condiments will reduce risks further. Disposable menus can be used, or menus can be thoroughly sanitized between each use. Tables can be set after guests are seated. Silverware can be rolled in napkins by staff wearing gloves in designated sanitary areas. Live music, self-service buffets and salad bars, self-service utensils, beverage stations, and playgrounds can be eliminated or closed.

- Communication of all changes is critical. This may involve posting signage within the restaurant or providing information with reservation confirmation emails. Any communications should be simple, obvious, and clear.
- Flexibility will be important to navigating the reopening process. As guidance changes at the local and national levels, taking those shifts and new information into account as well as sharing best practices within the industry, and for franchises, sharing best practices within the system, will be beneficial for achieving optimal strategies for reopening.
- For franchises, in particular, there are additional concerns and precautions to take into account, such as verifying that franchisees have to carry adequate insurance coverage upon reopening as a hedge against worst-case scenarios. Additionally, "obey all laws" clauses in franchise agreements can be used to require franchisees to implement the recommendations of federal, state, and local health officials.

Despite the difficulty of shifting operations to account for this new reality, implementing additional procedures will help protect your brand and reduce your potential liability. Customers want confidence when they are supporting your establishment that you are taking all reasonable and necessary precautions to ensure their safety. High visibility of new precautions and proactive safety measures will fortify customer confidence in your brand and will help retain your core customer base while also helping to expand it.

It is important to stay up to date on national and local guidance. The following are useful resources for you to consider as you develop reopening plans:

- <https://restaurant.org/covid19>
- <https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html?Sort=Date%3A%3Adesc&Topic=Prevention%20%26%20Infection%20Control>
- <https://www.fda.gov/media/136811/download>

For more information, please contact Franchise and Distribution Practice Group Lead Liz Dillon or your regular Lathrop GPM contact.