
Empire State Restaurant & Tavern Association

150 State Street
Albany, NY 12207
Web Site www.esrta.org
Brad Dixon, *President*

518-436-8121
Fax 518-436-7287
E-mail esrta@verizon.net
Scott Wexler, *Executive Director*

A Phased Plan for Reopening New York Restaurants and Bars

The Governor and the entire Executive branch team has demonstrated tremendous leadership throughout the coronavirus crisis and we thank them for leading New York. Our State has been able to successfully flatten, then lower the curve by focusing on public health policies backed by science and data. Our plan to reopen follows the lead of the Governor and relies on science and data to produce a plan that will allow New York's restaurants and bars to gradually begin to serve customers again. New York is known as the dining capital of the world – this plan is the smart way to keep our title.

Background: New York State's restaurants and taverns provide an essential service to the State's residents and visitors. Approximately half of the state's food supply comes through New York's food service industry. The industry also makes a significant contribution to the State's economy. There are more than 50,000 restaurants in New York with nearly 700,000 employees that generate more than \$51 billion in sales each year.

The current outbreak has closed restaurants and taverns, except for take-out and delivery, causing a substantial reduction in the overall food available to the public. It's also imposed economic distress on the hospitality industry and its hardworking employees. Additionally, industries such as agriculture and craft beverages which are supported by the hospitality sector have been negatively impacted. New York has spent much effort in recent years to establish these industries with great success and restaurants are their primary customers. Reopening restaurants and taverns will result in additional food being available to the public. It will also allow employees to return to work and will provide the public with relief from being limited in their social activities.

The reopening of restaurants and bars, however, can only occur when the regional health data demonstrates, based on the criteria outlined by the Governor and public health officials, that the region is ready to begin the reopening process. Any plan to reopen restaurants and bars must also be consistent with the Governor's objective to maintain a transmission rate below 1.1 – the level at which the virus is contained. Restaurants and bars will do this by protecting our employees, requiring social distancing by customers & employees, and instituting enhanced cleaning protocols. In addition, a method to identify patrons who have visited our establishments must be embedded into our reopening plans in order to support the State's contact tracing program – a critical part of Governor Cuomo's virus containment plan.

Drink Responsibly.
Drive Responsibly.

Objective: We support the phased elimination of the limitations on eating & drinking in restaurants and bars based on the CDC's [*Interim Guidance for Reopening Restaurant and Bars*](#) (attached), permitting businesses to reopen while continuing to reduce the spread of the virus. The CDC Guidance recommends a phased reopening, "loosening the valve" in a step-by-step process:

Phase 1: Bars remain closed and restaurant service remains limited to take-out or delivery. This is consistent with the State's current plan.

Phase 2: Bars may operate with limited capacity and restaurants may open their dining areas with limited seating capacity with social distancing.

Phase 3: Bars may operate with increased standing room occupancy that allows for social distancing and restaurants may operate with social distancing.

Under the CDC's [*Interim Guidance for Reopening Restaurant and Bars*](#), restaurants and bars can begin a phased reopening as each region of the state enters phase 2 of the reopening process provided that the businesses, vendors, and patrons follow the CDC's Guidance and any directives issued by the State's Department of Health (DOH). The phased reopening can proceed at a pace of two weeks at a time, relaxing limitations provided the region continues to meet the health objectives established by the Governor.

We note that the phased reopening plan recommended by the CDC's [*Interim Guidance for Reopening Restaurant and Bars*](#) varies from the plan put forth by the Governor. The CDC recommends a phased reopening for restaurants and bars beginning in phase 2 with capacity limitations and a full reopening of restaurants and bars in phase 3. The Governor's plan, however, does not allow restaurants and bars to reopen until phase 3. But that plan was put forward before the CDC's Guidance was available (the White House sought to quash it claiming it was too proscriptive) and it does not contain the limitations and restrictions on, and expectations of, the operators of restaurants and bars outlined in our plan below.

We believe that the plan put forward below demonstrates that restaurants and bars can operate safely with a limited reopening in phase 2 and a fuller reopening in phase 3, as recommended by the CDC, and can fully reopen in phase 4, provided they follow the CDC's Guidance and any directives issued by DOH to protect the public health.

Strategy: We've identified the policies and practices required to meet the CDC and DOH recommendations for operating restaurants and bars in a manner that will protect employees and customers. Given the diverse types of establishments in the hospitality industry and the many different formats and configurations, our recommendations, to the extent possible, are outcome based. We establish an outcome that an establishment is required to achieve, but allow flexibility in how to achieve the required outcome.

Key Areas Requiring Attention in Restaurants & Taverns: Any plan allowing restaurants and taverns to reopen must address employee wellness/protection, social distancing, sanitation, signage, and contact tracing. We've listed these goals and identified potential approaches to achieve these goals:

Employee Wellness/Protection - *Employees Should Be Free of Symptoms*

- Sick employees should be told to stay home
- Employees screened for symptoms upon arrival (including temperature check) – anyone demonstrating symptoms will be sent home from work
- Provide employees with information on symptoms, personal hygiene, leave benefits (paid, UI, Shared Work, etc.)
- Encourage employee self-monitoring of symptoms
- Inform those who have close contact with a person who diagnosed with COVID-19 to stay home and follow CDC guidance
- Masks/gloves provided by employer for employees at no cost upon request
- All employees wear a mask when not able to maintain a 6-foot social distance
- Encourage customers to wear masks when not able to maintain a 6-foot social distance
- Staggering staff to reduce exposure/keep staff teams together
- Encourage frequent handwashing
- Follow CDC and DOH recommendations if an employee becomes sick or if any exposure to the Covid-19 virus

Social Distancing - *Employees, Customers, Vendors Must Comply with CDC Guidelines*

- Capacity limitations should be imposed by State with phased increases as health data permits consistent with CDC guidelines
- Phase 2 – allow 50% occupancy of seated areas (dining areas) and 25% occupancy of non-seated areas (bar areas)
- Require all patrons to be seated during phase 2 (bar patrons must be in permanent or temporary seating)
- Phase 3 - allow 100% occupancy of seated areas, 75% occupancy of outdoor non-seated areas, 50% occupancy of non-seated areas; patrons in non-seated areas must observe social distancing
- Phase 4 – allow 100% occupancy in all areas; patrons in non-seated areas must observe social distancing
- Increase every two weeks if health metrics are met
- Each table of patrons must be seated 6 feet apart from other tables of patrons
- Establishments authorized to set up temporary seating in order to comply with social distancing requirements and capacity limitations (give temporary permission to serve alcohol in unlicensed areas)
- Employees, customers, and vendors must wear face coverings when unable to socially distance
- Customers not complying with social distancing requirements will be denied service

These social distancing objectives can be accomplished by these or similar policies:

- Make masks available for customers
- Limit service at bar
- Reservation only seating
- Limit dining group size
- Remove/close off tables
- Erect/install barriers between tables/areas
- Limit lines/waiting area/congregating
- Mark spacing to maintain social distancing
- Create special hours or special seating for vulnerable populations

- Limit the number of employees in shared spaces
- Avoid offering any self-serve food/drink options, i.e., buffets, salad bars, drink stations
- Consider options allowing dine in customers to order in advance in order to limit time in the establishment
- See the CDC's [Interim Guidance for Reopening Restaurant and Bars](#) and the FDA's [Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery Services During the Covid-19 Pandemic](#) (attached) for additional suggestions

Cleaning & Sanitation - Establishments Must Comply with CDC Guidance and DOH directives for Cleaning and Sanitizing Food Service Establishments

- Regularly disinfect all customer and employee touchpoints using CDC/DOH approved products/procedures (door handles, tables, table tops, restrooms, etc.)
- Eliminate use of self-service stations
- Hand sanitizer readily available to customers, employees, and vendors throughout establishments
- Wash, rinse, and sanitize food contact surfaces, food preparation surfaces, and beverage equipment after each use
- See the CDC's [Interim Guidance for Reopening Restaurant and Bars](#) and the FDA's [Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery Services During the Covid-19 Pandemic](#) for additional suggestions

In addition, these policies will be encouraged to help stop the spread of the virus:

- No unwrapped straws may be used
- Use disposable, online, or posted menus – or sanitize shared menus after each use
- Bar snacks will be served per individual customer – not shared by multiple customers
- Replace condiments on table with prepackaged condiments or sanitize after each use
- Utilize contactless/touchless devices and services if practicable
- Utilize contactless payment or cash without change (use disposable devices or sanitize devices after each use including check presenter, credit card terminal, pens, etc.)
- If tables are equipped with a credit card terminal sanitize after each use
- Sanitize any tableside devices, such as tablets used for ordering, after each use

Signage - Clearly Communicate Policies & Procedures to Employees, Customers, and Vendors

- Signage at entrance informing customers not to enter if ill
- Signage at entrance informing customers of socially distancing requirement including compliance with Executive Order on mask requirement
- Signage throughout premises reminding guests to follow CDC guidelines for proper hygiene
- Signage in work areas reminding employees to follow CDC guidelines for proper hygiene
- Signage in employee work areas stating policy on employee screening and wellness

Support for Contact Tracing – *Adopt Procedures to Support NYS Contact Tracing Program*

- Educate customers about the State’s contact tracing program
- Utilize employee records, delivery records, credit card records, and reservation systems to identify contacts of potentially exposed individuals
- Use businesses’ customer communications to broadcast message to customers if contact tracing of patrons required

Conclusion: According to research published by the data analytics firm Datassentials, 19.5% of restaurants in New York were closed as of May 7th. Permanent restaurant closings account for 3.2% of the total while 16.3% of the closings were reported as temporary closings. We have an opportunity to help prevent the temporary closings from becoming permanent. Allowing restaurants and bars to begin a phased reopening in phase 2 with significant commitments to protecting the public health will initiate the economic lifeline to these businesses. Not only will this provide valuable cash flow to these small businesses so they can restart their operations, but it will also serve as an emotional lift for the owners and employees who are desperate for any sign that we’re moving forward past the pandemic. These same benefits will ripple out into industries supported by the hospitality sector.

We commit to continuing our partnership with the State of New York to protect the health and safety of the state’s residents and visitors. Our recent work partnering with the Governor to distribute 900,000 donated cloth facemasks to foodservice and delivery workers across the state is the latest example of what can be accomplished when government partners with the private sector. We’re developing a *Reopening Toolkit for Restaurants and Bars* that helps guide these small businesses through the reopening process. We’ll make that available to restaurants and bars across New York State – whether they’re a member or not – as part of this continued partnership.

Our proposed reopening plan is based on science and fact. It takes measured steps to loosen restrictions on restaurants and bars that take the necessary steps to protect the public health. And it’s consistent with the Governor’s objective to open up businesses in a safe and smart way. We urge its approval.