
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

September 2020

State Crackdown on Bars & Restaurants Moves Upstate - In response to recent outbreaks linked to colleges and universities across the country, Governor Cuomo directed the State Liquor Authority to increase efforts to ensure bars and restaurants in areas where college students gather are abiding by all public health measures. The Governor called out recent violations in Cortland, Dutchess, Madison, Monroe, Oswego, and Schenectady Counties as examples of problem violators requiring increased enforcement activity.

The Liquor Authority has been enforcing compliance with the public health restrictions throughout the state, although the effort has been focused downstate until now. The SLA – State Police Task Force is visiting more than 1,000 licensed premises every night in New York City and on Long Island with compliance rates typically around 99 percent. Given the emphasis on enforcement, it's amazing that only about 200 licensees have had their licenses suspended.

For those who haven't experienced an inspection, the emphasis is on physical distancing, masks (for your employees and your customers), not requiring food to be purchased with initial drinks, and people engaging in prohibited activities. The State Liquor Authority appears to be giving out warnings in some, but not all cases (outside of metro-NY). This is a good time to remind your employees of the rules and the importance of maintaining compliance with the restrictions, you know...just in case.

Reopening Update - Expanded indoor dining and a loosening of the restrictions on restaurants and bars does not appear to be in the cards anytime soon. The State Department of Health remains very concerned about the potential spread of Covid-19. A recent report from the CDC that found 40% of people who tested positive for Covid-19 had eaten at a restaurant and several isolated outbreaks connected to restaurants in New York has made DOH hesitant to expand restaurant and bar activities any further.

We're hopeful that the outbreak will remain under control as the State deals with the reopening of colleges & universities and Pre-K – 12 schools, providing relief to state officials currently reluctant to relax the restrictions. The state's infection rate and transmission rate have been trending very close to outbreak status since the middle of the summer as more activities have been permitted and as compliance by the public has lessened from the peak of the crisis earlier in the year.

Whatever the challenge, we're in contact with the State at least once a week to make sure they're aware of the current situation from your perspective and to explore all of the reopening issues – large and small – that make a difference to your operation. We had a lot of dialogue and discussion leading to the reopening of outdoor and indoor dining, but while the conversation remains serious, sympathetic, and productive, we've made little progress further lessening the restrictions on your operation in recent days.

As we continue to fight to relax the restrictions on your business, we're also working to preserve your opportunities to sustain your business through to the other side of this crisis. Our top legislative priorities to address Covid-19's impact on your business are the continuation of your right to sell cocktails-to-go, commercial rent/mortgage/property tax relief, extension of your liquor license for the length of the restrictions, liability protection, and to require business interruption insurance to cover Covid-19 claims. We're also pursuing our legislative initiatives to address wholesaler issues – group/co-op buying, allowing purchases from liquor stores, and prohibiting split case & delivery fees.

SafetySkills Courses Available - The Association's Workers' Compensation Safety Group members can take advantage of a full catalogue of courses to help reduce worksite injuries offered by our Group Manager, Fleury Risk Management. You'll need a login to take advantage of the SafetySkills courses which you can obtain by contacting Fleury Risk Management. Here are some of the featured courses currently available:

Parking Lot Safety: A parking lot is the first thing that customers see, making it a very important part of a good first impression. Parking lots can also present a number of hazards to pedestrians and vehicles. Keeping lots clean and well maintained, and ensuring employees are trained to deal with common hazards, is an important part of ensuring customers and employees are safe and happy. When this course is over, the learner should be able to identify best practices for parking lot maintenance and security, and appropriate responses to severe weather, accidents, and other outdoor incidents.

Materials Handling: Materials handling and storage covers a wide range of activities, from moving a few boxes from a closet to a storage area to something as complicated as hauling tons of steel with a crane. Learners who successfully complete this course should be able to recognize safe practices for unloading, the hazards of lifting and how to safely execute a lift, best practices for storage and housekeeping best practices, including waste management.

Drug-Free Workplace: Substance abuse is a problem that can seriously affect all employees in the workplace. Employees will learn about the dangers of over-the-counter, prescription, and illegal drug misuse, substance addiction at work or in their personal life, common elements of workplace drug-free policies, the drug testing methods employers use and their legal rights regarding testing, and how their workplace could respond to the discovery that an employee is misusing substances.

Unfortunately, this is only available to members of ESRTA Safety Group #554 and is part of the service provided to safety group members. You can obtain more information on the Association's workers' compensation insurance program by contacting Fleury Risk Management at 518-478-6314.