

QUESTIONS & ANSWERS: CALIFORNIA UNVEILS REOPENING PLAN WEBINAR



CLEANING AND SANITIZING

Q1: If the state is requiring all of these hand sanitizers, are they ensuring there is a supply of sanitizers for the industry (without the price gauging that we are already seeing)?

A1: *No, they are not.*

Q2: Single use menus - that is a significant impact on our forests....

A2: *Live answered in the Q&A of the webinar - View recording for more details.*

Q3: Sanitizing hands instead of washing hands every 30 mins?

A3: *Live answered in the Q&A of the webinar - View recording for more details*

Q4: Does OSHA guidelines supersede CDC guidelines or local health guidelines? Which one takes more precedence over the other?

A4: *Live answered in the Q&A of the webinar - View recording for more details*

Q5: How about glassware and plates, do these have to be disposable?

A5: *No, however, they can't be set out on the table before the customer is seated.*

Q6: Do you have to close your restaurant if an employee tests positive?

A6: *Cal/OSHA currently takes the position that a facility has to be shut down as soon as possible after learning of a positive test and then deep cleaned before reopening. CDC guidance talks about waiting 24 hours after a closure before you start the deep cleaning.*

Q7: Can we use linens or do we have to use disposable napkins?

A7: *Linens are ok, however, they must be sterilized after every use.*

Q8: Does taking food out on a tray and putting it on a tray stand considered tableside service?

A8: *I do not think so, however the guidance does not talk about that situation specifically.*

Q9: Can you have a laminated menu on the wall next to the table? And sanitize after each turn?

A9: *The guidance says disposable or electronic menus if possible. If not possible then other menus are permitted but must be disinfected after each use and should not be at the table until the customer is seated.*

EMPLOYEES

Q1: I've been telling employees that their UI benefits ARE taxable. Speaker just said they aren't. Clarification please.

A1: *Live answered in the Q&A of the webinar - View recording for more details*

Q2: Can we ask employees if they want to come back now or wait and use the ones who wish to work now first?

A2: *Live answered in the Q&A of the webinar - View recording for more details*

Q3: What's the best way to document that an employee [is] not willing to return? Is there a form? Should we have them sign something?

A3: *The CRA had a legal partner provide a form. It is posted in the CRA COVID-19 Resource page. Here is a link to the Decline to Return to Work form.*

https://www.calrest.org/sites/main/files/file-attachments/declined_offer_2return2work_noticefinal.pdf

Q4: What if the employee is healthy but afraid to return to work? Can they get sick leave?

A4: *Live answered in the Q&A of the webinar - View recording for more details*

Q5: Reporting pay - isn't it the responsibility of the employee to not show up for work when they are ill? Do we still have to pay if our policy states that they do not show up if ill?

A5: *Live answered in the Q&A of the webinar - View recording for more details*

Q6: I am not clear, am I in my right to ask an employee to sign a waiver to prevent liability?

A6: *Live answered in the Q&A of the webinar - View recording for more details*

Q7: In writing new protocols and training for employees, is it reasonable to ask that employees include other employers, and their 2nd jobs to ensure their other employer is taking the equal amount of safety steps, to monitor their exposure to potential illness where we are not fully liable, or [should we] simply ask for their copy of their policy?

A7: *You could certainly ask those questions, i.e. what are your other employers doing? The focus ultimately is how the employee shows up to work at your workplace.*

Q8: How do we handle employees who don't want to come in to work because they feel unsafe, or because they have potentially immune deficient family members?

A8: *If they do not have a qualifying reason for the leave, i.e. FFCRA leave, then it is up to the employer to either make them come back or lose the opportunity. Alternatively, you could permit them to stay out, however, I would suggest that whichever way you go on this you do it consistently.*

EMPLOYEES CONT.

Q9: Is there a Spanish version of the declined to return to work form?

A9: *I have not seen one.*

Q10: I have the DECLINED OFFER TO RETURN TO WORK form, but how do I record an employee who only wants to come back for 2 days/12hours maximum?

A10: *I would make a note on the form identifying that they only wanted to come back on a limited basis and that is why you moved on.*

Q11: Is the \$600.00 tax free as well?

A11: *Yes.*

Q12: Can an employee return to work on a limited basis and still qualify for unemployment?

A12: *The EDD permits unemployment for reduced work.*

Q13: If current employees are asked to return and they refuse because they state they either want to continue UI or they are not comfortable, how long will we have to hold their position? Can they be terminated after a certain time (I.e., two weeks) if they continue to refuse to return?

A13: *This may vary depending on where you are. Some cities have or will have right to rehire local ordinances. Others will allow you to move on.*

Q14: If you offer a position for the come back and offer a reduced wage how does that impact unemployment if the employee accepts or declines the offer?

A14: *It is unclear how the EDD is going to treat that situation during this time. Normally it would reduce the unemployment eligibility.*

GLOVES AND MASKS

Q1: Is it true that there is no facial hair allowed?

A1: *Live answered in the Q&A of the webinar - View recording for more details*

Q2: What about if the employee wants to use his/her own mask?

A2: *Live answered in the Q&A of the webinar - View recording for more details*

Q3: What is the rule on wearing gloves for front of the line staff for quick service facilities?

A3: *Live answered in the Q&A of the webinar - View recording for more details*

GLOVES AND MASKS CONT.

Q4: What if an employee is unable to wear face coverings due to suffering from claustrophobia?

A4: Live answered in the Q&A of the webinar - View recording for more details

Q5: Do you believe the California Health Departments will require gloves moving forward?

A5: *I hope not. There is some evidence suggesting that gloves don't help and unless taken off correctly, actually end up potentially spreading the virus.*

Q6: What about masks vs. face shields?

A6: *The guidance talks about face coverings. Most will go with masks. However, face shields would also be a potential face covering.*

Q7: But if we are paying for masks we can make it mandatory to wear that mask right?

A7: *Yes.*

Q8: What about people that have asthma?

A8: *You would need to go through the interactive process with them to see if you can accommodate them with a face shield or perhaps unpaid leave because of their inability to wear a mask due to a medical condition.*

Q9: If you issue a mask for one week use and the employee loses it, can they be charged for a replacement mask?

A9: *Not unless you can prove the employee was grossly negligent. This is a high bar.*

Q10: Does a cook have to wear a mask if they will not be closer than 6' from a guest or another employee?

A10: *Not according to the guidance. However I would recommend it.*

Q11: I saw face shields required for dishwashers so it doesn't splash in their face. Are there other positions that need a higher level of PPE?

A11: *Not that I have seen.*

Q12: Doesn't FOH need to wear gloves?

A12: *Not according to the guidance.*

Q13: What about gloves?

A13: *No current requirement.*

GLOVES AND MASKS CONT.

Q14: What if you can't wear a mask, if you have respiratory issues, asthma, or phobias?
Can't work?

A14: *Live answered in the Q&A of the webinar - View recording for more details*

PAYMENTS

Q1: What is the opinion on bringing employees back to work at lower rates of pay?

A1: *Live answered in the Q&A of the webinar - View recording for more details*

Q2: [If I] pay [an] additional wage to cover the tips lost by [the] employee, will [it] be factor[ed] into their regular wages for overtime?

A2: *Live answered in the Q&A of the webinar - View recording for more details*

Q3: To ensure tip[ped] employee[s] receive a minimum amount of tips, we will make up the difference if the minimum tips were not received. Does this factor to their base wage?

A3: *Live answered in the Q&A of the webinar - View recording for more details*

Q4: What is the opinion if we can't afford to rehire at current rates of pay prior to mandatory closure? Are lower pay rates allowed?

A4: *Lower rates are allowed so long as you are still complying with the minimum wage for your location, however, it could affect your ability to get your PPP loan forgiven.*

Q5: Are we supposed to report 8% of server tips since take out only and servers are not even making 8% of the tips?

A5: *100% of tips must be reported at all times.*

Q6: 8% of server's sales as tips?

A6: *See above.*

Q7: Any information on minimum wage hikes being delayed?

A7: *Nothing actionable at this point.*

Q8: For years, we have been pushing for tip credits. Updates on this? We can reemploy more staff more rapidly with tip credits.

A8: *Currently we are not hearing the legislature is looking at a total compensation option.*

PAYMENTS CONT.

Q9: Can we use the work share program to help offset wages lost for our employees? Such as tipped employees?

A9: *Yes can apply through the EDD to try and take advantage of that program.*

Q10: Can employer change current vacation policy once all furloughed employees return?

A10: *You can change vacation policy now, absent a Collective Bargaining Agreement. We recommend just giving at least one pay period notice about a change to the accrual rate. You just can't take away any accrued but unused vacation that may still be on the books.*

Q11: Is tip sharing with back of house employee still legal in California once we are able to reopen dining rooms? (For counter service restaurant)

A11: *California has considered chain of service tip pools that include back of the house employees to be permitted for some time. However, the federal court for the 9th Circuit ruled it was not permitted under Federal law a few years back. The current administration changed the rule on this and permits chain of service tip pools now like California, however, you have to follow the other rules (no managers, reasonable distribution with most going to those providing direct table service, etc.)*

Q12: Does hazard pay effect OT?

A12: *Live answered in the Q&A of the webinar - View recording for more details*

Q13: Any talk of pushing back minimum wage increase in January?

A13: *Live answered in the Q&A of the webinar - View recording for more details*

Q14: Will we be allowed to NOT accept cash?

A14: *Live answered in the Q&A of the webinar - View recording for more details*

Q15: Is there anything on limitation on payment? A lot of take-outs are doing online or phone payments only. Are we going to have to distinguish between food handlers and cash handlers?

A15: *Not currently. However contactless payment is encouraged.*

Q16: Can we legally deny cash payments in California?

A16: *Interesting. I don't know of any prohibition against an employer saying no cash allowed.*

POSTING REQUIREMENTS

Q1: Does all signage need to be ADA or for the blind, etc.?

A1: Yes.

Q2: Where on the website are the forms?

A2: Forms and posting are available at:

<https://www.calrest.org/coronavirus-resources#employerresources>

Q3: Can you just post the CCPA notice, or does it have to go to each employee?

A3: *There is guidance that says it does not need to be signed by the employee and therefore you could post it, however, I am recommending you have each employee sign it and [file it] in their personnel file.*

PPP

Q1: Can the government come after you if you take the SBA LOAN and you have to file for chapter 7?

A1: *Live answered in the Q&A of the webinar - View recording for more details*

Q2: If I keep my PPP loan and maintain the 75/25 usage, but ONLY use 50% of the loan, can I still get forgiveness and return the amount I did not use?

A2: *You will need to check with your banker on this. The guidance is not clear about the timing and effect of giving back a certain portion of the loan while using the rest.*

Q3: For PPP forgiveness do we have to pay our front of the house a higher hourly wage since they aren't make tips?

A3: *For PPP forgiveness your payroll must generally remain at the level of 75% of the total payout. Payroll under these circumstance includes hourly wages plus tips. So there is a potential that because tips will have dropped so drastically that you will need to pay a higher hourly wage to achieve the 75% payroll ratio for PPP forgiveness.*

QUARANTINING

Q1: What about restaurant workers having to quarantine for 14 days if exposed? I was under the impression that the sick employee had to be out for 14 days but not those exposed unless they were symptomatic.

A1: *Live answered in the Q&A of the webinar - View recording for more details*

QUARANTINING CONT.

Q2: What if an employee reports that someone they live with has tested positive, we would require them to stay home for 14 days and require them to obtain a doctor's note to clear them to return?

A2: *Live answered in the Q&A of the webinar - View recording for more details*

REOPENING

Q1: When is the earliest restaurants can reopen?

A1: *Live answered in the Q&A of the webinar - View recording for more details*

Q2: No bars open...we are a brewery with kitchen...gulp...does this mean us?

A2: *Live answered in the Q&A of the webinar - View recording for more details*

Q3: There is no point in even trying to open. With the seating limitations and the extra labor required to meet these mandates we can't even come close to breaking even!

A3: *Live answered in the Q&A of the webinar - View recording for more details*

Q4: I have a beer station, with use of disposable cup[s] in one of our restaurant[s]. We are planning on opening with social distancing enforced. What guidelines do we have for this? The guest will be drinking in an open area, with social distancing still enforced.

A4: *Live answered in the Q&A of the webinar - View recording for more details*

Q5: Would you be able to clarify the guideline on page 8 stated in the recently released County of Public Health guidelines "Takeout containers must be filled by customers and available only upon request". Are they referring to "Doggie Bags"?

A5: *Live answered in the Q&A of the webinar - View recording for more details*

Q6: Did you say that a restaurant that has a full bar within a restaurant, that when the dining room is set to open, the bar has to stay closed?

A6: *Live answered in the Q&A of the webinar - View recording for more details*

Q7: Are there any guideline[s] for steak houses that the servers cut the meat at each table?

A7: *Live answered in the Q&A of the webinar - View recording for more details*

Q8: What are the [guidelines] for buffets?

A8: *Live answered in the Q&A of the webinar - View recording for more details*

REOPENING CONT.

Q9: Where [are] guidelines for vendors and curbside pick up?

A9: *Live answered in the Q&A of the webinar - View recording for more details*

Q10: Will the suspension of the WARN Act stay in place? What if a restaurant reopens and gives it their best shot but fails and needs to suddenly close again after reopening?

A10: *Live answered in the Q&A of the webinar - View recording for more details*

Q11: When are Bar Sales/Openings to be expected? Our venue had weekend BBQ's and Live Music... when can we expect audience attendance numbers to increase above 10+ persons?

A11: *Live answered in the Q&A of the webinar - View recording for more details*

Q12: I understand the bar in the restaurant is closed, however, what about tables in bar area? Is there a distance requirement from the bartop?

A12: *Live answered in the Q&A of the webinar - View recording for more details*

Q13: Were any dates for opening dining rooms mentioned in the guidance from CA today?

A13: *From the governors website: Some counties have been certified to open additional sectors including dine-in restaurants and shopping centers. See the guidance for these counties and the statewide guidance.*

<https://covid19.ca.gov/roadmap-counties/>

<https://covid19.ca.gov/industry-guidance/>

Q14: When are we allowed to open under these new guidelines?

A14: *It will be when the county where the restaurant is located gets a variance.*

Q15: Should we expect that the City of LA and SF will have more stringent guidelines?

A15: *Yes.*

Q16: Is it true that restaurants are allowed to use only disposable serving ware in the restaurant [as well as] to go?

A16: *No. Silverware does not currently have to be single use. However, it cannot be put out on the table until the customer is being seated.*

Q17: When can we open? Is it based on our county? My county, San Luis Obispo, said it will comply with State orders and not reimplement its own on the 17th of May.

A17: *Each county has to apply for a variance to permit dine in restaurants to open with restrictions during phase 2. Just updated is now Amador, Butte, El Dorado, Lassen, Nevada, Placer, and Shasta counties all have variances approved.*

REOPENING CONT.

Q18: Nevada County has been approved to open as of today.

A18: *Yes, with Amador, Butte, El Dorado, Lassen, Placer, and Shasta.*

Q19: Is ABC going to allow restaurant[s] [to] have to go cocktails and reduced seating in-house dining at the same time or will it be either or?

A19: *Yes, for now.*

Q20: What about bars within restaurants?

A20: *No bars can open, even those within restaurants.*

Q21: Just to clarify the bar closure. So we cannot allow anyone to eat at the bar in our restaurant even if we have them 6 ft away from other guest[s]?

A21: *No one can eat at the bar.*

Q22: Will you be putting together a template COVID-19 mitigation plan based on the new state guidance that we can use for our restaurants and customize per our county/local requirements?

A22: *We have not yet put one together, however, we are considering it once we see how varied the counties may get. For instance, Placer county received their variance. However, they now have their own certification form that has to be filled out and signed in order to open.*

Q23: My quick service restaurant sells can[ned] beer. Are we still allowed to sell with the meal for take out?

A23: *Currently, yes.*

Q24: Is there any guidance on how food should be ran to tables? Do we have to have all food covered when bringing out food?

A24: *There is no guidance on covering food at this time.*

Q25: We have a dining counter, not a bar. I'm guessing we cannot seat guests at the counter, is that correct?

A25: *Live answered in the Q&A of the webinar - View recording for more details*

Q26: What about a seated sushi bar? In regards to a bar within a sushi bar?

A26: *Live answered in the Q&A of the webinar - View recording for more details*

REOPENING CONT.

Q27: Is French press coffee service considered tableside presentation and prohibited?

A27: *It is not specifically mentioned, however, I would be cautious and consider it to be.*

Q28: Does no tableside service mean that we cannot pour martinis tableside or grate cheese tableside over pasta?

A28: *I think it does.*

Q29: I understand that self-service buffets are not allowed, but what about buffets that have converted into a cafeteria style buffet where the guests go up to the buffet line and [are] served by a person behind the counter?

A29: *The way I read it, no self-service buffets are allowed, however, cafeteria lines with proper barrier protection does seem to still be permitted.*

Q30: Are restaurant workers considered critical infrastructure workers?

A30: *No. CISA does not define dine in restaurant workers as Critical Infrastructure workers.*

Q31: Was CISA updated since April 17, 2020? It indicates that fast food is essential service. Is there a distinction between QSR and sit down?

A31: *CISA defined fast food and curbside/deliver as critical. State and county orders defined them as essential. The difference now is that the dine in employees are not considered critical or essential.*

Q32: So many of the guidelines and restrictions make it impossible to financially justify reopening. What do we do as a restaurant community to open and financially justify doing so?

A32: *Live answered in the Q&A of the webinar - View recording for more details*

SCREENING

Q1: Are we really going to have to temperature check every employee and is there any person[al] rights issues with that?

A1: *Live answered in the Q&A of the webinar - View recording for more details*

Q2: Do you have a version of what the Employee Health Screening questions should be?

A2: *We will send out a sample of the Employee Health Screening with the slides and recorded presentation.*

Q3: Do think that we should also require our employees to sign a document before each shift that they are healthy?

A3: *Live answered in the Q&A of the webinar - View recording for more details*

Q4: If you do not intend to keep records of temperature checks, are you required to issue a notice to employees that this process will be taking place?

A4: *Live answered in the Q&A of the webinar - View recording for more details*

Q5: In lieu of having employees sign paperwork prior to each shift, can we have them answer a series of questions on the POS or do we need to have a manager physically do the screening?

A5: *You can do this through the POS.*

Q6: If somebody has COVID-19, and then we test all employees, can employees who test negative return to work faster than 14 days?

A6: *If they test negative they can return.*

Q7: [I] just had an employee call, she was exposed to someone who was exposed [and] is taking her (COVID-19) test today—does she need to be off for 14 days?

A7: *Yes, or until she tests negative.*

Q8: Do we have to temperature check on Doordash or Uber drivers when they drop in to pick-up the food?

A8: *The guidance suggests yes. All vendors or others that visit the restaurant need to be health screened and/or temperature checked.*

Q9: An employee comes in contact with a sick person. Do they have to be out 14 days? Is this time off compensated and if so, by who and how?

A9: *They have to be tested and if you are a covered employer under the FFCRA the time spent seeking a test and healthcare opinion would have to be paid as emergency paid sick leave up to the max for that employee.*

SCREENING CONT.

Q10: So if an employee gets COVID-19, and then we test all employees and they test negative, do they still have to wait 14 days?

A10: *Once tested negative the employee can return.*

Q11: Are we allowed to test temperatures of guests coming into our restaurant?

A11: *Live answered in the Q&A of the webinar - View recording for more details*

SICK PAY

Q1: Does the employee use sick hours? Or how will they be paid?

A1: *Live answered in the Q&A of the webinar - View recording for more details*

SOCIAL DISTANCING

Q1: I briefly scanned the COVID-19 Industry Guidance on the State website. I understand that we have to keep the 6ft distance in the restaurants, but I didn't read that there is a required reduction in our posted seating capacity as long as we have the 6ft spacing.

A1: *Live answered in the Q&A of the webinar - View recording for more details*

Q2: For [the] 6-ft requirement, does that allow for a barrier such as a plexiglass barrier?

A2: *Live answered in the Q&A of the webinar - View recording for more details*

Q3: Has there been any discussion on mandatory dividers between tables?

A3: *Live answered in the Q&A of the webinar - View recording for more details*

Q4: Has there been consideration of who would be enforcing inside dining social distancing? I can already see there being issues with someone sitting too close and will be [hard] for staff to try to enforce...

A4: *Live answered in the Q&A of the webinar - View recording for more details*

Q5: Please clarify. 6ft distance between tables or 6ft distance between customers? What if there are barriers between tables?

A5: *Live answered in the Q&A of the webinar - View recording for more details*

Q6: Do back to back pullman booths provide the separate necessary to avoid a 6ft requirement? AZ is recognizing this as a legitimate separation.

A6: *If tables are not moveable the guidance provides that some sort of barrier, like a plexiglass shield is permissible in order to physically distance.*

SOCIAL DISTANCING CONT.

Q7: Can people from the same household be closer than 6ft?

A7: Yes.

Q8: It does say if the table/booth can't be moved, plexiglass is used.

A8: Correct.

Q9: Can you clarify seating rules? [If there is to be] 6 feet person to person (right to left), what about people facing each other? Do they have to be 6 feet face to face?

A9: People at the same table do not have to be 6 feet apart. They just have to be part of the same household. The requirement is 6 feet from everyone else not at the table in all directions.

Q10: [I have a] tiny single line kitchen where staff is almost shoulder to shoulder and [there is] not room for 6 ft. distancing, what do we do?

A10: Masks, temp checks, health questionnaires, and frequent hand washing.

TRAINING

Q1: Where can we obtain these training materials for our employees?

A1: Live answered in the Q&A of the webinar - View recording for more details

Q2: Will CRA be providing any written training materials for employers to administer to employees?

A2: The CRA is working to provide as much information or provide links to the resources you need to reopen and stay compliant. Keep tuned into the CRA communications to get the most update to information and resources.

Q3: Do you have COVID-19 training materials for restaurant employees on [the] CRA website?

A3: Live answered in the Q&A of the webinar - View recording for more details

Q4: There are some training videos by the way, on the ServeSafe website.

A4: Live answered in the Q&A of the webinar - View recording for more details