



What San Diego County Restaurants Need To Know About The Reopening Of Dining Rooms

Insights

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California recently approved San Diego County's request to move further into Stage 2 of the State's Resilience Roadmap. San Diego County restaurants and retail businesses may now open with appropriate modifications to their operations. Pursuant to the [May 21, 2020 Public Health Order](#) promulgated by the local Public Health Office, retail businesses need to comply with the County's Safe Reopening Plan along with their [industry's guidance and checklist](#). (Shopping centers have their own [industry guidance](#) and [checklist](#).) Retail businesses which have been open for pick-up and delivery will need to update their Safe Reopening Plan if they intend to permit customers into their stores.

Pursuant to the Public Health Order, restaurants reopening for dine-in services have separate requirements (in addition to [industry guidance](#) and posting the [Cal/OSHA Covid-19 General Checklist](#)). Businesses should also review the following County guidance:

- The [San Diego Safe Onsite Dining Plan](#);
- The County of San Diego's Department of Environmental Health's (DEH) [checklist](#) of additional steps to prevent food safety risks; and
- The DEH's [Food Facility Disinfection](#) guidance.

The COVID-19 Restaurant Operating Protocol

Pursuant to the County's Public Health Order, restaurants must prepare and post a [COVID-19 Restaurant Operating Protocol](#) for each restaurant in the County. The COVID-19 Restaurant Operating Protocol must be posted at or near each entrance of the restaurant in a location easily viewable to the public. Additionally, a copy of the COVID-19 Restaurant Operating Protocol must be provided to each employee working at the restaurant. The COVID-19 Restaurant Operating Protocol is divided into five sections, which will be summarized below.

Before going through that lengthy list, however, here are some key takeaway points for restaurant owners:

- Temperature screenings and health surveys for employees are mandatory;
- Employees serving customers must wear face coverings;

- Reconfigure the restaurant to ensure social distancing between customers and between customers and food preparation areas;
- No self-service or shared food or non-food items; and
- Screen customers for a temperature and/or symptoms consistent with COVID-19 upon arrival.

Section 1: Protect Employee Health (All Measures Mandatory)

While many of the provisions mirror the Safe Reopening Plan, there are some unique requirements for restaurant employees:

- Temperature screening prior to each shift. Employees with temperatures of 100 degrees Fahrenheit or more must not be allowed in the workplace.
- Complete a health survey for each employee prior to the beginning of each shift for COVID-19 symptoms and exposure to someone who has experienced symptoms.
- Mandatory face coverings for all employees who interact with the public and for when employees are unable to social distance with other employees.
- Read and understand the COVID-19 Fact Sheet.

Section 2: Social Distancing (All Measures Mandatory)

- All tables must be six feet apart. If tables are unmovable, a barrier or partition must be installed to separate tables.
- Place tables at least six feet away from food preparation areas, including beverage and server stations.
- Use tape or markings of at least six feet separation in any area where members of the public may form a line.
- Stagger seating times.
- Limit patrons at a table to a household unit or patrons who have asked to be seated together. All members of the party must be seated at the same time.

Section 3: Education for the Dining Public (All Measures Mandatory)

- Post signs at each public entrance reminding diners to maintain social distancing of at least six feet, wash hands or use sanitizer upon entry into a restaurant, and stay home if they are ill or have symptoms consistent with COVID-19. The County has prepared signs that restaurants can use.
- Post a copy of the COVID-19 Restaurant Operating Protocol in a location visible to the public.
- Require the public to wear face coverings when not seated at their table.

Section 4: Measures to Increase Sanitization and Disinfection (All Measures Mandatory)

- Food items and containers shared between tables (e.g., condiment bottles, salt and pepper shakers, or breadbaskets) are prohibited.
- Self-service buffets, salad bars, and self-service machines are prohibited.
- Disinfect non-food items which may be used by multiple customers (e.g., menus) between each use or provide single use items (e.g., paper menus).
- Properly wash, rinse, and sanitize utensils and food-ware with a sanitizer effective against Coronavirus or use single-use utensils and food-ware.
- Frequently clean and disinfect high contact touchpoints (e.g., phones, door handles, credit card terminals) using a disinfectant effective against Coronavirus. The restaurant must list the disinfectants being used.
- Frequently clean and disinfect public restrooms.
- Designate a team member per shift to oversee/enforce additional sanitization and disinfection procedures, as needed.
- Tableside food preparation and presentation is prohibited.
- Entertainment items are prohibited.
- Designate a drop-off location for deliveries away from high traffic areas and maintain a social distance of at least six feet with delivery drivers.
- Customers must package their own leftover food upon request.
- Place take-out food times in a staging area that eliminates person-to-person pick-up. Instead, label take-out food with the order number or customer name.

Section 5: Recommendations (Optional)

The final section contains recommended steps that restaurants should consider taking in connection with reopening dining rooms. The suggested measures pertain to customer service and sanitation practices.

The Public Health Order creates a continuing obligation for employers to implement all measures in the COVID-19 Restaurant Operating Protocol, and to modify the COVID-19 Restaurant Operating Protocol if current measures are not effective in maintaining proper social distancing and sanitation. As is the case for other businesses operating under a Safe Reopening Plan, the County reserves the right to close any business which fails to comply with its COVID-19 Restaurant Operating Protocol.

Looking Forward

If you have locations in multiple counties, you must comply with the reopening requirements in each county. Not every county is far enough into Stage 2 to permit in-person retail shopping and dining. Among counties that are so-permitting, the allowed scope of business operations and required safety and posting measures may vary.

Conclusion

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We will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our [San Diego office](#), or [any member of our COVID-19 Taskforce](#).

You can also review our nationwide [Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus](#) and our [FP Resource Center For Employers](#), maintained by our Taskforce. For Safe Reopening Plan training for the Health and Safety Coordinator, managers, and human resources personnel, contact Regina A. Petty or Darcey M. Groden in our San Diego office.

This Legal Alert provides an overview of a specific county law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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