



April 30, 2020

Office of Governor Kate Brown  
Attn: Leah Horner, Regional Solutions and Jobs and Economy Director  
254 State Capitol  
Salem, OR 97301-4047

Dear Leah,

The Oregon Restaurant & Lodging Association (ORLA) would like to thank you for the opportunity to provide industry comments in response to the April 28 draft guidance for restaurants, bars, breweries, brewpubs, and tasting rooms to reopen in Phase One.

Over the course of the past month, operators across Oregon have been in regular contact with our association and provided helpful expertise, practical insights, and detailed recovery plans. We have found the ongoing information exchange to be invaluable in meeting our responsibility to represent operators both big and small while also acknowledging the needs of both urban and rural communities.

The following thematic framework with additional detailed comments is meant to assist the state in moving forward towards reopening the sector in a safe and responsible way for both employees and guests.

### **Industry Imperatives**

The following 4 items are commonly referenced as industry operator needs:

- Additional clarity around 'Gating Criteria' and 'Core State Preparedness' goals are needed to better understand the path ahead to begin Phase One.
- Provide as much advance notice as possible to prepare for Phase One openings in support of employees and managers. 7-14 days is commonly referenced as a helpful timeframe for notice.
- Ensure final statewide sector guidance is equitable across foodservice and beverage business models. If an operation can adhere to approved safety guidelines, we hope they will have the same opportunity to open. Procedures to keep our employees and guests safe, from bowling alleys to bars and tasting rooms, remains our central goal.
- A 'safe harbor' provision outlined by Governor Brown for Oregon businesses is necessary to set expectations amongst consumers, employees, and operators regarding COVID-19 liability issues.

### **Industry Feedback in Review of April 28 Sector Guidance Draft**

The following comments have been tabulated from operators of all sizes around Oregon including our Board of Directors and ORLA's Regional Representatives in direct contact with local operators around the state. We ask for equitable treatment when compared to experiences Oregonians have in other food supply locations such as grocery stores and convenience stores:

- 6 feet of social distancing between associated parties and staff should suffice as the approach to maximum customers allowed in any establishment. In addition, we are supportive of efforts to expand outdoor seating where possible along right of ways as approved by local jurisdictions.

Focusing on social distancing between parties and staff provides the framework needed for varying models to operate safely. Creating maximum occupancy restrictions and/or requiring affixed seating to be removed is not necessary. We can cordon off tables and seating to ensure associated parties and employees maintain 6 feet of distance during Phase One. We also need flexibility in approaching seating which happens quickly when customers are directed to their seats. 6 feet of social distance between associated party seating arrangements should suffice given experiences happening in real time in grocery and convenience stores.

- Bar stools and bar areas can operate safely with social distancing between employees and guests. Providing a framework for social distancing between employees and associated parties sitting at a bar is achievable as opposed to prohibiting the seats for use. Many operators have attested to this being logistically feasible as part of Phase One operations. In addition, singles are commonly directed to bar locations and in those instances, acrylic/plexiglass partitions as referenced in the general employer draft document for employee safety should be considered in lieu of 6 feet of distance. This would also represent equitable treatment for the restaurant industry when compared to grocery store interactions taking place now. Partitions could be cleaned and sanitized every half hour and/or after seating transitions.
- The sanitation guidelines and face covering recommendations for staff are achievable as outlined in the April 28 draft. We look forward to amplifying best practices amongst operators who maintain impeccable safety standards for all applicable surfaces and materials transferred between employees and associated parties.
- Pre-setting tables with napkins, utensils, and glassware makes more sense than ever if we are working to limit employee and customer interactions and maintain social distance. Having guests wait for their table to be set while at a social distance allows employees the opportunity to follow their traditional safety procedures for all utensils, glassware, and napkins and limit interactions.
- Restroom protocols and keeping self-service soda machines available is achievable in a safe and responsible way. Like grocery and convenience stores, these facilities can be safely accessed with appropriate signage and sanitation procedures.
- Managing social distancing amongst associated parties in counter service lines, bars, tasting rooms, and waiting areas is also achievable. We expect floor markings and highly visible signage to be commonplace in these areas for all models within the sector.
- Contact tracing documentation of patrons will prove to be problematic and we are adamantly opposed. We understand the value of contact tracing documentation but do not believe it is in the best interests of the state or operators to require a form be signed by customers. Policies that set up scenarios where employees and customers engage in confrontational behavior is highly concerning.
- Regarding Video Lottery Terminals (VLTs), lottery retailers across the state would like consideration given to the installation of acrylic/plexiglass partitions between machines to protect players from one another when it is not possible to achieve 6 feet of distance between machines. If VLTs cannot be spaced at least 6 feet apart, partitions which can be cleaned and sanitized after every use would promote player safety.
- And lastly, although well intentioned, a 10pm curfew for establishments can result in the unintended consequence of increased crowding. If our goal is to maintain appropriate social distancing, we will want to think carefully about those who typically frequent an establishment between the hours of 9pm and 2am all descending upon establishments between 9pm and

10pm. The result could be problematic as opposed to the alternative of providing the necessary time and space needed to operate safely for both employees and guests. The importance of both space and time to access establishments also applies to video lottery terminals and it makes sense to allow VLTs to be open and available across traditional hours under the safety guidelines referenced in the preceding bullet point.

We greatly appreciate the opportunity to provide these comments in representation of Oregon's foodservice and beverage industry. We hope our collection of comments from across the state are helpful as we continue working together to reopen Oregon's economy in Phase One in a safe and productive way for both employees and the Oregonians we serve.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Brandt", with a stylized flourish at the end.

Jason Brandt  
President & CEO  
Oregon Restaurant & Lodging Association