

LA COUNTY'S NEW REOPENING RULES FOR BUSINESSES

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On March 15, 2021, Los Angeles County officially entered into the state's Red Tier, permitting restaurants to offer limited capacity indoor dining, and permitting gyms, museums and galleries to open some indoor operations. The County issued several reopening protocols laying out the rules for businesses with the current reopening.

Dining

The County's Department of Public Health issued a revised Public Health Order for Dining Protocols (the "Order") with new protocols for indoor dining, outdoor dining and worker safety in light of the reopening.

Indoor Dining

With regard to indoor dining, restaurants are permitted to reopen at 25% occupancy, based on applicable Building or Fire Code occupancy limits, or 100 people, whichever is less. Only members of the same household can be seated together at the same table in the indoor dining area. Restaurants are required to verbally inform customers prior to seating that everyone sharing a table indoors must be from the same household. Only restaurants, not wineries or taprooms, are permitted to offer indoor dining. Bars that do not serve food are still closed for indoor or outdoor service. Tables must be spaced eight feet apart.

Additionally, restaurants are prohibited from hosting receptions, banquets and other coordinated events indoors. Restaurants offering indoor dining are not permitted to offer live entertainment or bar service.

A facility's indoor dining area must allow for the free flow of outdoor air through the entire space to reduce the risk of COVID-19 transmission for customers and staff. This includes leaving doors and windows open where possible.

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Outdoor Dining

Outdoor dining restrictions have been slightly loosened in that members from up to three different households may now be seated together at the same table in the outdoor dining area. Maximum capacity at one table is six people.

Outdoor structures that do not meet the State's criteria for an outdoor setting are classified as indoor settings, and any customers within them will be counted and included as part of the establishment's 25% total indoor occupancy limit.

Tracking Capacity

The Order requires restaurants to "strictly and continuously meter the entry and exit of customers at all entrances in order to track occupancy to ensure compliance with capacity limits." The Order warns that "establishments that are insufficiently or not metering or appear to be over-capacity, may, at the discretion of the public health inspector, be temporarily closed until these issues are rectified as determined by the onsite public health inspector."

Mask Recommendations

The Order also recommends that restaurant operators that open for indoor dining provide employees with masks that are more effective at protecting against small aerosol transmission, including but not limited to fit-tested N95 masks, KN95 masks and double-masks, given the higher risk of COVID-19 spread indoors in a restaurant setting.

Ventilation Requirements

Restaurants are required to have their HVAC system inspected by an HVAC Specialist within 30 days of reopening for indoor dining to confirm that the system is in good, working order. Restaurants must ensure that ventilation has been increased to the maximum extent possible.

Hotel, Lodging and Short-Term Rentals

The County updated its Reopening Protocol for Hotels to permit hotels to offer additional services and update requirements for ventilation and shuttle services. Hotel guests and staff must wear masks at all times in common areas.

Hotel Services

Hotel-offered spa services, including massage, facials, waxing and nail salons, may be open for indoor services at 50% indoor occupancy. Gym/fitness establishments within a hotel may reopen at 10% occupancy. Indoor pools, hot tubs, saunas and steam rooms must remain closed. Indoor playgrounds must remain closed. Outdoor playgrounds may be open.

Quarantining Guests

Hotels are required to ask guests and visitors COVID screening questions. Guests that answer affirmatively may be re-booked into rooms in a more remote area of the hotel pre-selected for use by such guests. Hotels are encouraged to offer additional services to any guests who are isolating or quarantining, such as daily wellness checks by phone, room service and additional concierge assistance to allow the guest to stay in their room.

Ventilation

Hotels must ensure that ventilation has been increased to the maximum extent possible. Hotels are asked to “consider installing portable high-efficiency air cleaners, upgrading the building’s air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in all offices, guest rooms and other spaces.”

Shuttle Service

Hotels may offer van or shuttle service, but if doing so, must use a higher-capacity vehicle as much as possible to allow for six (6) feet of physical distancing as much as is feasible. Passengers using a hotel shuttle service must use face masks and the driver should leave windows open to increase the ventilation during the ride.

Retail

Under the new Protocol for Retail Establishments, retail stores may increase their operations to 50% of their maximum indoor occupancy.

Retail businesses are encouraged to ensure that measures have been taken at check-out stations to minimize exposure between cashiers and customers, such as Plexiglass barriers.

Grocery Stores

Stand-alone grocery stores must limit their occupancy to ensure that all employees and customers are able to maintain at least 6-feet of physical distance from each other at all times. Further, stand-alone grocery stores are strongly encouraged to limit their occupancy to 50% of maximum indoor occupancy based on applicable building and fire code until at least April 15, 2021, to enable sufficient time for as many grocery store workers as possible to receive a vaccine.

Farmer's Markets

Under the revised Protocol for Farmer's Markets, outdoor operations are permitted at 50% capacity. However, on April 15, 2021, that limit may be increased. The Protocol states: “Certified Farmer's Markets are encouraged to limit their occupancy to 50% of the outdoor Market capacity until at least April 15, 2021 to enable as many workers to be vaccinated as possible.”

Personal Care Services

According to the new Reopening Protocol, personal care establishments may increase to 50% maximum indoor occupancy for indoor services. Personal care services include estheticians, skin care and cosmetology services; nonmedical electrology; body art professionals, tattoo parlors, microblading and permanent make-up; piercing shops; massage therapy (non-healthcare); tanning services; nail salons; hair salons and barbershops.

Customers and staff must wear masks at all times while giving and receiving these services. Food and drinks may not be consumed by customers while inside or on the grounds of the establishment.

Appointments are staggered to avoid reception congestion, ensure physical distancing and to ensure adequate time for proper cleaning and sanitation between each customer visit. Personal care providers may not offer walk-in appointments.

Gyms and Fitness Establishments

Gyms and fitness establishments, including yoga and dance studios, one-on-one fitness training and climbing walls, may reopen for indoor operations at limited capacity as the County moves into the Red Tier. The County's Reopening Protocol for Fitness Establishments governs both indoor and outdoor operations.

Indoor Operations

Gyms and fitness establishments may reopen for indoor operations at 10% occupancy based on applicable Building or Fire Code. All employees and patrons are required to wear a face mask at all times except when swimming.

Gym equipment must be placed at least 6 feet apart, with greater distancing for treadmills and other high-exertion aerobic fitness equipment.

Outdoor Operations

The Protocols note that "since outdoor fitness operations present a lower risk of transmission compared to indoor operations, gyms and fitness establishments are encouraged to continue prioritizing outdoor services." Patrons are required to wear a face mask and maintain six feet of distance. High-intensity aerobic workouts are encouraged to take place outdoors.

Movie Theaters

Movie theaters may reopen to the public for indoor operations at 25% maximum occupancy, following the County's Reopening Protocol for Movie Theaters.

Each movie theater screen located within a movie theater complex must be limited to 25% maximum occupancy or 100 people, whichever is fewer.

Movie theaters may sell concessions, but patrons must be reminded that eating/drinking is only permitted in a designated dining area or while patrons are seated in their reserved seats in the theater, at a 6-foot distance from those who are not members of their household. Eating or drinking anywhere else while in the establishment or on the grounds of the establishment is prohibited.

Theaters must utilize timed and/or advanced reservation ticketing systems and pre-assigned seating in order to stagger customer visits, limit occupancy and help maintain physical distancing. Patrons must remain in their vehicle until their reservation time and must be instructed to arrive and leave in a single group to minimize contact with other visitors and staff.

Shopping Centers/Malls

The Reopening Protocol for Shopping Centers permits malls to reopen food courts and increase indoor occupancy to 50%.

Indoor Occupancy

Indoor maximum occupancy for shopping centers can be increased to 50% occupancy based on applicable building or fire code occupancy. Indoor occupancy at individual retailers located within shopping centers is limited to 50% occupancy based on applicable building or fire code occupancy.

Seating Areas

All permanent and fixed outdoor seating that is open to the public must have signage posted in a conspicuous place at or near any permanent seating that reminds patrons of the requirements to wear a face mask, to practice physical distancing and to not eat or drink while on shopping center property. All common areas located within the shopping center or mall must be closed. All temporary or moveable tables and chairs, not located in a designated indoor or outdoor dining area, located on shopping center property must be removed from publicly accessible areas or closed to the public.

Mall Food Courts

Food courts may reopen at 25% max occupancy based on applicable building or fire code occupancy. Food purchased in the food court may only be consumed at a designated indoor or outdoor dining area. Food court tables must be spaced at least 8 feet apart.

Museums, Galleries, Aquariums and Zoos

Museums, galleries, botanical gardens, zoos and aquariums are permitted to reopen their indoor spaces to the public at 25% maximum indoor occupancy under the Protocol for those businesses. All outdoor areas of these establishments may continue to operate. Food and beverages may only be consumed in designated areas and dining areas within these businesses must comply with the dining rules.

A staff person wearing a face mask must be posted near the entrance to the exhibit space to track indoor occupancy and direct visitors to line up six feet apart if the space has reached its occupancy limit. Additionally, these establishments are directed to consider regulating or closing interactive exhibits, particularly those designed for children.

Libraries

Under the Reopening Protocol, Libraries may be open at 50% of maximum indoor capacity. Entry screening for both employees and customers is required. Retailers should review and adhere to Interim State Guidance on Ventilation, Filtration and Air Quality.