

# Self-Certification Program

Frequently Asked Questions

*Dec. 1, 2020*

## Self-Certification General Questions

### **1. Why are these changes (starting of self-certification to allow for restaurants to move to 50% indoors capacity, plus 11 PM cutoff for sale of alcohol for on-site consumption rule for all entities) happening as of 9/21?**

Pennsylvania enacted mitigation efforts in July due to a rise in cases here and in surrounding states. As we continue to make progress as noted in our [Early Warning Mitigation Dashboard](#), along with a concerted effort to support these businesses, this expansion effort has been introduced. In order to make sure all business owners can adequately prepare for these indoor capacity changes, as well as access the document without facing language barriers, the self-certification process will be available on Sept. 21. The administration is looking into making other languages available too. The timeline for those translation services dictated the Sept. 21 start date.

Further, we continue to see significant increases in cases among 19-24-year olds, and we want to discourage congregating in a restaurant that provides alcohol, so the extra mitigation step of a 11 PM end of alcohol sales was included.

Also, it's important to note that, according to the most recent [Longwoods International tracking study](#) of American travelers, only 40 percent of Americans are comfortable dining in local restaurants. This mitigation effort is not only for public health and safety, but also to provide consumer confidence in restaurants.

### **2. How do I self-certify my restaurant?**

Restaurant owners or their official business representatives can certify their restaurant online ([visit the pa.gov/COVID website](#)). To certify your restaurant, you must read through the health and safety requirements, input your contact information, and click SUBMIT. You will then receive an email with a link to validate your email address and complete the self-certification process. Upon validating your email, the self-certification process will be complete, and your restaurant will be added to the [searchable public database of certified restaurants](#) by the next business day. Physical materials, such as window clings and other signage, will be mailed to the address listed on your self-certification within a few weeks.

### **3. Does self-certification alter the prior orders and guidance issued by the Governor, Secretary of Health, or otherwise?**

Self-certification does not alter any other restriction or limitation other than allowing certified establishments to operate at 50% indoor occupancy, rather than 25% indoor occupancy. All other restrictions or limitations put in place by orders or guidance remain in full effect.

NOTE: Self-certification does not override more restrictive dining requirements that have been implemented at the county or municipal levels. Even if your restaurant is self-certified with the Commonwealth of Pennsylvania, you must follow local dining requirements if your restaurant is located within a jurisdiction that has implemented more strict requirements. For instance, self-certification does **not** permit your restaurant to operate at 50% indoor capacity if your restaurant is located in a jurisdiction that does not allow indoor dining.

#### **4. Will self-certifying open up my business to further inspections, penalties, etc?**

Self-certifying will not lead to additional inspections. The occurrence of regularly scheduled or complaint-based inspections from enforcement agencies will not be affected by certification status. In fact, certifying helps demonstrate your business commitment to protecting employees and providing patrons a safe dining experience, in addition to the benefit to move from 25% to 50% indoor capacity. Any health and safety violations from self-certified businesses will be handled first with warnings and education rather than fines or other penalties.

#### **5. What if a county health department has issued its own guidance? What do I follow?**

County and municipal health departments may issue more restrictive, not less restrictive, public health orders.

#### **6. Is my restaurant required to be certified? Will my restaurant face any penalties if it is not certified?**

No. Restaurants may choose to not self-certify with no additional penalties. However, uncertified restaurants must remain at 25% indoor capacity and are not permitted to increase indoor capacity to 50%. Whether self-certifying, or choosing to remain at 25% capacity all restaurants and bars must still abide by all applicable orders and guidance issued by the Governor and Secretary of Health.

#### **7. What if I have multiple restaurant locations?**

Restaurants with multiple locations should certify each location separately.

#### **8. If I self-certify my restaurant, am I required to keep track of contact information for my customers to assist with potential contact tracing?**

No. While the health and safety guidelines for restaurants *encourage* keeping track of this information, it is not a requirement for any restaurant, and not a requirement for self-certification.

#### **9. Should my private club (e.g. social club, VFW, night club) self-certify?**

If the private club is serving members dine-in sit down food and alcohol in a regular, non-event capacity, it would fall under the same guidance as restaurants. Therefore, if the club self-certifies, it can increase indoor capacity to 50% for normal, non-event operations, though bar seating is still prohibited (these social clubs often have bars). Events and distinct gatherings must restrict capacity as defined by the [Maximum Occupancy Calculator](#).

Maximum Occupancy Calculator **for indoor events**:

| <i>Maximum Occupancy</i> | <i>Allowable Indoor Rate</i> |
|--------------------------|------------------------------|
| 0-2,000 people           | 10% of Maximum Occupancy     |
| 2,001 - 10,000 people    | 5% of Maximum Occupancy      |
| Over 10,000 people       | No events over 500 people    |

Maximum Occupancy Calculator **for outdoor events**:

| <i>Maximum Occupancy</i> | <i>Allowable Outdoor Rate</i>              |
|--------------------------|--|
| 0-2,000 people           | 15% of Maximum Occupancy                   |
| 2,001 - 10,000 people    | 10% of Maximum Occupancy                   |
| Over 10,000 people       | 5% of Maximum Occupancy up to 2,500 people |

**10. Should my event center self-certify?**

An event center may self-certify if it wishes, but certification will not increase the event/gathering limit. Events and distinct gatherings must restrict capacity as defined by the [Maximum Occupancy Calculator](#).

**11. What if I do not have internet access or there is a language barrier?**

Businesses without internet access can call 1.866.466.3972 and a representative will be able to assist.

The [self-certification process](#) is currently provided in both English and Spanish. Additional translations are planned to be available soon.

**12. I am a consumer and want to see which restaurants in my area are self-certified. How do I do that?**

Consumers will be able to view a [public database of self-certified restaurants](#) which will be searchable by business name and/or location.

**13. I'm a consumer and I was at a restaurant that was not following guidelines. How do I report a non-compliant business?**

Consumers that believe a restaurant is not compliant with certification requirements, or is not certified but operating at greater than 25% indoor capacity, can fill out the [Department of Health complaint form](#).

#### **14. I have a catering license, what does this mean for me?**

Self-certification is not directed to licensees. It only increases the maximum indoor capacity to 50% of total indoor occupancy pertaining to regular meal service. Events and distinct gatherings must restrict capacity as defined by the [Maximum Occupancy Calculator](#).

#### **15. What are the current booth safety/separation requirements?**

There are no mandated standards regarding height requirements. The goal is to prevent respiratory droplets from passing from one booth to another. Depending upon the height of the back of the booth itself, the height of plexiglass partition could vary. Some booths with very high backs may fully separate patrons. Booths with shoulder high backs (ie, low enough to expose the back of an adult's head or permit a toddler standing on the bench to reach into the neighboring booth) might be served well with a 24, 30, or 36 inch plexiglass or other physical barrier.

The restaurant operator is essentially creating sneeze guards between the booths where physical distancing of 6 feet between guest is not feasible. The inspectors will accept practical solutions; but, they have rejected an attempt to isolate seating by hanging shower curtain rods and curtains around tables.

## **Benefits of Self-Certification**

#### **16. What are the benefits of self-certifying my restaurant?**

Self-certifying your restaurant tells consumers that Pennsylvania is open for business, and is unified in its safety measures, allowing consumers to dine at certified restaurants with confidence. When a business certifies, it shows it cares about its customers, employees, community, and the economic future of the state.

Certified businesses will appear in [an online database that is searchable by consumers](#). When consumers see that your business is certified, they will know that your business is looking out for their health and well-being, thus giving them additional confidence to patronize your restaurant. Certified restaurants will also receive a physical mailing of branded physical materials, such as window clings and other signage, to display proudly to their employees and customers.

Finally, restaurants that self-certify are pledging that they adhere to health and safety requirements and are thus permitted to increase their indoor capacity from 25% of maximum occupancy to 50% of maximum occupancy.

NOTE: Self-certification does not override more restrictive dining requirements that have been implemented at the county or municipal levels. Even if your restaurant is self-certified with the Commonwealth of Pennsylvania, you must follow local dining requirements if your restaurant is located within a jurisdiction that has implemented more strict requirements. For instance, self-certification does **not** permit your restaurant to operate at 50% indoor capacity if your restaurant is located in a jurisdiction that does not allow indoor dining.

**17. Is there a cost to self-certification?**

No. There is no cost to self-certification. The physical materials, such as window clings and other signage, will be mailed to your restaurant's physical address at no cost.

**18. How long will it take me to receive my physical materials?**

We anticipate that restaurants will begin to receive their physical certification materials within the next few weeks. We appreciate your patience as we work to print and ship a large volume of materials while keeping our employees safe and healthy.

**19. What do I do if a few weeks pass and I haven't received my materials?**

Please contact the help desk at 1.866.466.3972 or [covidselfcert@pa.gov](mailto:covidselfcert@pa.gov).

## **Capacity**

**20. Can I remain at 25% capacity if I wish to do so after self-certifying?**

Yes. Self-certification simply gives restaurants the option to increase their indoor capacity to 50%. They may choose to keep their occupancy limit lower if they so choose.

**21. Does the increased capacity include both indoor and outdoor seating?**

The increased capacity refers to indoor seating. Restaurants can continue to offer outdoor seating as long as they follow all health and safety protocols for outdoor dining, such as ensuring proper distance between tables.

**22. Can event spaces, bingo halls, or other large facilities increase capacity to 50%?**

No. Self-certification only increases the maximum indoor capacity of restaurants to 50% of total indoor occupancy. All other restrictions laid out in the [Targeted Mitigation Order](#) remain in effect.

**23. Can a restaurant host a single group greater than 25 people as long as they don't exceed the new 50% maximum occupancy requirement?**

Large gatherings of individuals must restrict capacity as defined by the [Maximum Occupancy Calculator](#). Restaurants may, however, host a group as defined by the Maximum Occupancy Calculator, in addition to their ordinary business if all other requirements are met, including limiting overall capacity to 50% of total occupancy.

**24. I don't know what the maximum occupancy is for my establishment. How do I determine maximum indoor capacity?**

The Pennsylvania Department of Labor & Industry has established [Business Maximum Occupancy Guidance](#) for determining maximum capacity on their website.

## **Alcohol Sales and On-Site Consumption**

**25. Why was the 10 PM cutoff to buy alcohol to drink on site changed to 11 PM?**

After receiving feedback from the hospitality industry, the 10 PM cutoff policy was reviewed and changed to 11 PM. In addition, the change to 11 PM is in line with many other states who have limited alcohol sales due to COVID-19, as well as the rule on PA cocktail-to-go sales (which also must cease at 11 PM).

**26. Does the 11 PM cutoff for sale of alcohol for on-premise consumption apply regardless of whether a restaurant self-certifies?**

Yes. Self-certification only applies to a restaurant remaining at 50% indoor capacity. The 11 PM cutoff for alcohol sales for on-premise consumption pertains to all entities.

**27. Does the self-certification, as well as the 11 PM end to alcohol sales for on-site consumption, apply to entities like casinos, hotel liquor licenses, wineries, breweries, and social clubs?**

Yes, as of September 21<sup>st</sup>, the 11 PM end for alcohol sales is in effect for all entities (those listed above and more) that offer regular on-site dining and alcohol service.

**28. Is my restaurant permitted to sell alcohol after 11 PM for on-site consumption if I self-certify?**

No. The 11 PM cutoff for alcohol sales pertains to all entities serving alcohol for on-site consumption, whether or not the business is certified. Additionally, the deadline to finish drinks by 12 AM also pertains to all entities serving alcohol for on-site consumption.

**29. What does on-site consumption mean?**

On-site consumption refers to the sale of alcoholic beverages for customers to drink within the indoor or outdoor premises of the establishment. The 11 PM cutoff does not apply to the sale of alcoholic beverages for take-out. If a liquor license permits take-out after 11 PM, the establishment can continue to provide take-out alcohol in accordance with its license.

**30. Does alcohol license type affect whether or not my establishment must follow these new health and safety guidelines for alcohol sales?**

There is no distinction in license type. Alcoholic drink service for on-premises consumption must cease at 11 PM. If a license permits take-out after 11 PM, they can continue to provide take-out in accordance

with their license. Licensees should abide by any quantity restrictions applicable to their business (for instance, if they can sell buckets at the cutoff for alcohol sales under current law, they can continue to do so here).

**31. Can I resume selling alcoholic drinks without food?**

No. Self-certification only increases the maximum indoor capacity to 50% of total indoor occupancy. All other health and safety measures for restaurants remain in effect.

**32. Can I resume bar seating after my restaurant self-certifies?**

No. Self-certification only increases the maximum indoor capacity to 50% of total indoor occupancy. All other health and safety measures for restaurants remain in effect.

**33. Does this impact my ability to sell (or purchase) cocktails-to-go?**

No, you can still sell, or purchase cocktails-to-go. All cocktails-to-go must be purchased by 11 PM by law.

## **Enforcement of Self-Certification**

**34. When will enforcement begin?**

Enforcement will begin October 5. If a restaurant is operating between 25% and 50% indoor capacity and has not self-certified, they will be subject to penalties. Information regarding violations will be shared with the Departments of State, Labor & Industry, and Health, and other enforcement agencies.

**35. How will certifications be enforced?**

Restaurants are not required to self-certify and will not face any penalty if they do not self-certify, but any restaurant that does not self-certify must ensure that the restaurant remains at 25% indoor capacity. Beginning on September 21<sup>st</sup>, restaurants may increase indoor capacity to 50% if they will self-certify by October 5. The Department of Agriculture and Pennsylvania State Police Bureau of Liquor Control Enforcement will begin enforcement actions based on these new occupancy limits starting on Oct. 5. Following October 5, if a restaurant is operating between 25% and 50% indoor capacity and has not self-certified, they will be subject to penalties. Information regarding violations will be shared with the Departments of State, Labor & Industry, and Health, and other enforcement agencies. However, restaurants may still self-certify after October 5 if they would like to increase indoor capacity to 50%.

**36. If my restaurant self-certifies but does not comply with all the mandates, could I be charged with a felony for falsification?**

Section 4904, which applies to many commonwealth documents and processes (everything from filing a workers compensation claim or purchasing a fishing license to registering a boat), only affects knowingly false statements made “with intent to mislead a public servant in performing his official function.” As such, mere noncompliance with the guidance or mask orders would NOT be an offense under 4904.

**37. What happens if a certified business is found in violation of the health and safety requirements to which it attested?**

Businesses may have their certification revoked and be removed from the searchable online database of certified businesses if they are found in violation of the health and safety requirements. If a business has its certification revoked, continuing to display physical certification materials may result in additional penalties.