

Arizona Allows Restaurants, Barbers, Salons to Reopen, Issues New COVID-19 Guidance for Businesses

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Following the Arizona Department of Health Services' (ADHS) release of additional data showing continued progress in mitigating and limiting the spread of COVID-19, Arizona Governor Doug Ducey has issued Executive Order (EO) [2020-34](#), allowing certain businesses to begin reopening for business.

The EO comes just days after the Governor's [previous decree](#), on April 29, 2020, allowing retailers to resume operations in a limited capacity while still directing people to stay home to the extent possible.

Now, cosmetologists and barbershops may resume appointment-based services as of May 8, 2020. Employees and customers must use face coverings and businesses must follow best practices and protocols established by the [Centers for Disease Control and Prevention \(CDC\)](#), the [U.S. Department of Labor \(DOL\)](#), and the ADHS.

Additionally, and notwithstanding the limits on the operation of restaurants and other businesses to slow the spread of COVID-19 under EO 2020-09, restaurants and coffee shops may resume dine-in services as of May 11, 2020. These businesses must follow physical distancing measures and other protocols established by the CDC, DOL, and ADHS.

The other businesses temporarily closed by EO 2020-09 (bars, movie theaters, indoor gyms, and fitness clubs) are not affected by EO 2020-34 and will remain closed for now. All other provisions of EO 2020-09 remain in effect.

New Guidance from ADHS

In addition to the new EO, the Governor's Office and ADHS released additional guidelines to keep customers and employees safe.

The latest guidance directs restaurants, retailers, barbers, and cosmetologists to ensure, to the extent possible, customers take the following precautions issued by the CDC:

1. Stay home if sick;
2. Order online or use curbside pickup if possible;
3. Cover your mouth and nose with a cloth face covering when you must go out in public;
4. Stay at least six feet away from other patrons;
5. Do not touch your eyes, nose, or mouth;
6. When dining, wash your hands with soap and water or use an alcohol-based hand sanitizer before you eat and again when you are finished;
7. When shopping, disinfect the shopping cart with disinfecting wipes, if available;
8. Use touchless payment (pay without touching money, a card, or a keypad), if possible. If you must handle money, a card, or a keypad, use hand sanitizer immediately after;

9. After leaving the restaurant, store, barbershop, or salon, use hand sanitizer. When you get home, wash your hands with soap and water for at least 20 seconds; and
10. If you are at higher risk for severe illness (under current guidelines, adults 65 or older and people of any age who have serious underlying medical conditions) continue to use takeout and delivery and avoid visiting barbers and cosmetologists and use dine-in services at restaurants. Some stores also offer special hours for people at higher risk.

The ADHS guidance also recommends that patrons and customers consider dining or shopping during off-peak hours when there should be fewer people (for example, shop in the early morning or late night and dine early morning, mid-afternoon, or late night).

Guidance for Reopening Businesses

The ADHS recommends all barbers, cosmetologists, and retailers take the following steps when reopening for in-person business:

1. Maintain physical distancing, to the extent possible;
2. Operate with reduced occupancy and capacity based on the size of the business location, with special attention to limiting areas where customers and employees can congregate;
3. Implement comprehensive sanitation protocols;
4. Implement symptom screening for employees before the start of their shift; and
5. Consider offering cloth face coverings to employees and visitors to wear.

Specific Guidance for Barbers, Cosmetologists

The ADHS recommends barbers and cosmetologists take the following additional steps:

1. Provide and require employees to wear masks when possible;
2. For salon treatments that require touching someone's face, provide and require employees to wear gloves when possible;
3. Provide access to soap and water for handwashing or an alcohol-based hand sanitizer at stations around the store, salon, or spa for use by employees and clients. Require employees to wash hands immediately before and after providing client service;
4. For treatments and appointments that do not require touching the client's face, clients should be encouraged to wear masks for their protection;
5. Wipe any pens, counters, or hard surfaces between use or customers;
6. Arrange waiting areas, service areas, and break rooms for appropriate physical distancing and sanitize areas regularly between use; and
7. Train all employees in the above safety protocol.

Barbers and cosmetologists also should consider operating by appointment-only to manage occupancy levels, posting signs advising customers and employees of expectations and giving guidance, and not charging late or cancellation fees if someone cannot make their appointment due to illness.

Specific Guidance for Restaurants

Following CDC guidance, restaurants providing dine-in services should always follow these precautions:

1. Enforce protocols on handwashing and covering of coughs and sneezes;

2. Develop standards for the use of non-medical grade masks or cloth face coverings by employees when near other employees and customers;
3. Ensure adequate supplies to support healthy hygiene practices for both employees and customers, including soap, hand sanitizer with at least 60 percent alcohol (perhaps on every table, if supplies allow), and tissues;
4. Intensify cleaning, disinfection, and ventilation practices;
5. Wash, rinse, and sanitize food contact surfaces, food preparation surfaces, and beverage equipment after use;
6. Avoid using or sharing items such as menus, condiments, and any other food. Instead, use disposable or digital menus, single-serving condiments, and no-touch trash cans and doors;
7. Wipe any pens, counters, or hard surfaces between use or customer; and
8. Train all employees in the above safety protocol.

Restaurants also should consider assigning duties to vulnerable workers that minimize their contact with customers and other employees and consider posting signs on how to stop the spread of COVID-19, properly wash hands, promote everyday protective measures, and properly wear a face covering.

The ADHS recommends restaurants take the following additional steps:

1. Maintain physical distancing, including limiting parties to no more than 10;
2. Operate with reduced occupancy and capacity based on the size of the business location, with special attention to limiting areas where customers and employees can congregate;
3. Implement comprehensive sanitation protocols, including increased sanitation schedules for bathrooms;
4. Continue to provide options for delivery or curbside service, even if a location offers dine-in services;
5. Implement symptom screening for employees before the start of their shift;
6. Consider offering masks to wait and host staff;
7. Avoid instances where customers serve their own food;
8. Sanitize customer areas after each sitting with EPA-registered disinfectant, including, but not limited to:
 - a. Tables
 - b. Tablecloths
 - c. Chairs/booth seats
 - d. Table-top condiments and condiment holders
 - e. Any other surface or item a customer is likely to have touched

Employers should consider how EO 2020-34 and the ADHS guidance affect their workplaces and consider the steps they should take to prepare their workforce to return to work.

Jackson Lewis has a dedicated team tracking and responding to the developing issues facing employers as a result of COVID-19. Please contact a team member or the Jackson Lewis attorney with whom you regularly work if you have questions or need assistance.

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