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Franchise Law Update

Commentary on Business and Legal Issues of Franchising

Pennsylvania: “Green” Reopening Phase Does Not Mean “GO!”

By John Gotaskie on May 31, 2020



If you’re in the Keystone State, you know that many counties will be moving into the Yellow and Green Phases of Governor Wolf’s Reopening Pennsylvania Plan on June 5th. This blog previously covered the requirements of the **Yellow Phase**. But what does “Green” mean? One thing that “Green” definitely does not mean in is “Go”. That said, there a number of broader re-openings in the Green Phase as opposed to the Yellow Phase:

- Continued telework is “strongly encouraged”.
- Businesses with in-person operations must follow **updated business and building safety**.

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• Schools are subject to **CDC** and Commonwealth Department of Education Guidance. Nonetheless, even after your county goes to the Green Phase, there will be restrictions for the “new normal”, including the following:

- Gatherings of more than 250 people prohibited.
- Restaurants and bars may open at 50% of fire code occupancy.
- Personal care services (including hair salons and barbershops) may open at 50% occupancy AND by appointment only.
- Indoor recreation, health and wellness facilities, and personal care services (such as gyms and spas) may open at 50% occupancy with appointments strongly encouraged.
- All Entertainment Venues (such as casinos, theaters, zoos, museums and shopping malls) may open at 50% occupancy.
- Construction Activity may return to full capacity with continued implementation of protocols.

That last point is very important, as **protocols issued by the Department of Health** remain in place and must be followed by all businesses.

Finally, of particular import to the franchise community, the Department of Health has recently issued **separate guidance for businesses in the restaurant industry**. Key elements of that guidance includes:

- Provide at least six feet between parties, who must be seated at tables.
- Provide at least six feet of distance between non-customers (i.e., people passing by on sidewalk) and customers seated at a table.
- Ensure maximum occupancy limits are posted and strictly enforced. Maximum occupancy can be calculated one of two ways, BUT the more restrictive number must be used:
 - 50% of stated fire code capacity or 12 people per 1,000 square feet if fire code

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- Close all amenities and congregate areas, including dance floors, video games and child play areas.
- Clean and sanitize high touch areas frequently, including tabletops, digital menus, check presenters, and digital payment devices after each customer use.
- Provide physical distancing guides for any areas where customers may wait, including for restroom.
- Mandate employees wear masks.
- Separate employee work stations by 6 feet.
- Limit access to shared spaces for employees, for example a break room, to ensure 6 feet of separation at all times.
- Reservations are strongly encouraged.

Thus, while “Green” does not mean go, it does mean a situation much closer to normal. And, hopefully, we’ll get to normal and never go back!

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