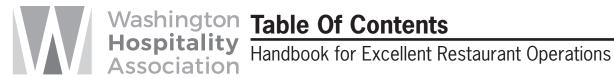




Your guide to restaurant operations in Washington state

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W-4

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Labor Law Poster

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Notice to Employees: If a Job Injury Occurs Notice to Employees: Unemployment Benefits

Federal Minimum Wage

Employee Polygraph Protection Act

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Equal Opportunity Employment is the Law

Your Rights Under USERRA



Thank you for being a member!

Handbook for Excellent Restaurant Operations

As a member of the Washington Hospitality Association, you are demonstrating a commitment to your business and to the future of Washington's foodservice industry. Your membership strengthens our ability to fight for your interests and enables us to bring you great business tools such as this HERO Manual.

About the HERO Manual

The Washington Hospitality Association has worked long and hard to be the hero of Washington's restaurant industry. We seek to champion your interests in the political arena, and be your guide to laws and regulations that can make running a restaurant complex. To this end, we have produced the HERO Manual—your Handbook for Excellent Restaurant Operations—and we hope it becomes as invaluable to running your restaurant as the Washington Hospitality Association.

The HERO Manual contains information, supplies, and opportunities to promote, protect and improve your business. And as your business grows, we hope this manual grows with you. The Washington Hospitality Association wants to maximize your success as a restaurant operator. We hope the HERO manual helps you do just that.

What's New in the 2018 HERO Manual?

This year we have made extensive updates to the HERO Manual - everything from completely new sections to revisions of old sections to reflect changes in law and agency rulemaking. Additionally, we have undertaken a thorough survey of the entire manual and made typographical, spelling and formatting changes where necessary.

This year's HERO Manual includes a completely new section on:

Pregnancy Accommodation (page 38)

In response to changes brought by Initiative 1433, we have made very extensive revisions to the following sections:

- Minimum Wage (page 60)
- Paid Leave (page 63)

Please note that the Paid Leave – Spokane and Paid Leave – Tacoma sections found in the 2017 HERO Manual, no longer exist. This is because the Spokane paid leave program sunset at the end of 2017. Information on the Tacoma paid leave program, along with information of the SeaTac and Seattle programs has now been consolidated in the current Paid Leave section along with information on the state program.

We have also revised the following sections to make the information current, reflecting new laws, new regulations and other changes:

- Collecting Sales Tax (page 10)
- Cover Charges (page 18)
- Delicatessens (page 19)
- Service Charges (page 41)
- Summary of Tip Laws (page 52)
- Tip Pooling (page 56)
- Meals and Breaks (page 84)
- "Show Up" Pay (page 85)
- Hourly and Salaried Overtime (page 86)





- Payroll Deductions (page 88)
- Employee Apparel (page 90)
- Terminating an Employee (page 91)
- Prohibited Duties for Minors (page 94)
- Teen Labor (page 98)
- More Favorable Laws (page 99)
- Personal Chefs (page 100)
- Washington Food Rule (page 101)
- Handwashing (page 110)
- Employee Safety Alert Systems for Hotels (page 117)
- Hazard Communication Rule (page 125)
- Workers' Compensation (page 136)
- Workplace Violence (page 157)
- Playing Music in Your Business (page 186)

Finally, we have included the Washington Hospitality Association's beautiful new Labor Poster in the pocket of this year's HERO Manual.

We, at the Washington Hospitality Association, are always working to help our members succeed. We're sure you will find the 2018 HERO Manual to be a vital resource as you navigate your way through the complexities of operating a restaurant.

Rev. 1/17/18



LAWS & REGULATIONS

Government Affairs

Handbook for Excellent Restaurant Operations

In talking with legislators and state agencies, Washington Hospitality Association members are needed to reinforce the messages that have been identified as issues important to employers and operators in our industry. In many cases, grassroots lobbying is simply communicating our industry's concerns. Each member of the network is someone involved with Washington's restaurant industry on a daily basis, whether an owner, manager or supplier.

Government Affairs Committee (GAC)

The GAC is open to any dues-paying member of the Washington Hospitality Association; the committee decides on the positions the Association should take on issues in Olympia. The GAC meets quarterly in the off-session, and holds weekly teleconference calls during session.

Co-Chairs of Government Affairs

The members in this position are in charge of the Governmental Affairs activities of the Association. Chairs of the GA Committee make the quick decisions necessary for Washington Hospitality Association action in the absence of a committee meeting.

Ambassadors

These Washington Hospitality Association members have established a relationship with their legislators. Main responsibilities are attending political events and keeping their legislator informed on restaurant issues.

Grassroots Network

Washington Hospitality Association grassroots members care about the issues that affect our industry and need to make effective use of limited time to be politically active. Grassroots members contact their legislators during the legislative session to express concern about a specific piece of legislation as it comes up for a vote. The Washington Hospitality Association Grassroots Network is among the most effective in the state.

The Washington Hospitality Association believes that the statements and descriptions of the various laws and regulations set forth hereinafter with respect to the various items appearing in this Table of Contents (including those relating to taxes, employee tips, employment standards, health and workplace safety, liquor laws, and miscellaneous laws and regulations) are legally accurate descriptions of the laws and practices applicable to these items as of the date set forth below. However, because the laws relating to these various subjects are constantly changing and may in some cases, be subject to exceptions, and because many of the subjects and/or items included are legally complex, and in some cases, legally ambiguous, and because the size and format of the HERO Manual permits only a summary description of these various laws and their requirements, the Association makes no warranty or representation concerning the legal accuracy, adequacy or sufficiency of the statements and descriptions of the various laws and regulations set forth hereinafter. Members of the Association use and/or rely upon the statements and descriptions set forth herein at their own risk. The Washington Hospitality Association recommends that members intending to use and/or rely upon the information, description, and statements set forth herein obtain independent legal advice from their own legal counsel before doing so.

Rev. 1/15/16





B&O Tax Classifications

The most common B&O tax reporting classifications for restaurants include: retailing, wholesaling and service and other activities.

Retailing: Gross income from sales to consumers of prepared food, poured spirits, soft drinks, cigarettes and items of tangible personal property.

Wholesaling: Gross income from sales of any taxable item to persons other than consumers. For example, sales of prepared food to a nonprofit organization that is reselling the food as part of a fundraising activity.

Note: To purchase at wholesale, exempt from sales tax, the purchaser must have a resellers permit issued by the Department of Revenue (WAC 458-20-102).

Service and other activities: Gross income from "other" sources including: compensation or commissions received for allowing placement of coin-operated machines on the premises (coin-operated telephones, ATM machines, cigarette machines, candy, etc.), income from pull-tab, punchboard, bingo games and allowing patrons access to the Internet. (See the Games, Gambling and Other Income section. Note: Washington cities may also impose a B&O tax. The Department of Revenue does not administer the B&O tax imposed by cities.

B&O Tax Exemptions and Deductions

The law allows an exemption or deduction from the measure of the B&O tax for the following: Interstate sales: Prepared food delivered to customers outside the state. For example, pizza. Bad debts or dishonored checks: The net amount (before tax) of a dishonored check may be deducted to the extent it was taken as payment for goods or services and was included in amounts previously reported. A deduction may be taken when the debt is actually charged off the books of account. Note: Any amounts subsequently recovered must be included in gross income and reported.

B&O Tax Credit for Syrup Tax Paid

Retailers that pay syrup tax when buying carbonated beverage syrup to make carbonated fountain drinks can claim a business and occupation (B&O) tax credit.

Requirements for the B&O Tax Credit:

Syrup must be used by the buyer in making carbonated drinks sold by the buyer; Credit must be claimed in the tax reporting period when the syrup was purchased: Unused credit may be carried forward to future reporting periods for a maximum of one year (12 months from the end of the tax reporting period when the credit was earned); Credit may not exceed the B&O tax due; and no refunds for credits.

References: RCW 82.08.0293; WAC 458-20-119; 458-20-124; 458-20-244 and 458-20-196.

Rev. 12/3/14



Collecting Sales Tax

Handbook for Excellent Restaurant Operations

Sales of Prepared Food

Washington law exempts most grocery type food from retail sales tax. However, the law does not exempt "prepared food," "soft drinks," or "dietary supplements." Businesses that sell these "foods" must collect sales tax. In addition, all alcoholic items are subject to retail sales tax.

What is a Prepared Food?

Most food that restaurants sell falls within the definition of prepared food or soft drinks and therefore is taxable. Prepared food is defined by law as any food where the seller:

- Combines two or more food ingredients and sells it as a single item (see certain exclusions below);
- Sells the food in a heated state or heats the food; or
- Sells the food with eating utensils such as a plate, fork, knife, spoon or glass/cup straw.
- Note: Utensils do not include containers and packaging used for transporting food.

Which Beverages are "Soft Drinks?"

For this document, "soft drinks" are any ready to drink non-alcoholic beverages containing natural or artificial sweeteners, except 'soft drinks" do not include beverages that contain milk, milk products, soy, rice or similar milk substitutes, or that contain more than 50 percent fruit or vegetable juice by volume.

Can Restaurants Segregate Their Sales and Not Charge Sales Tax on Food Items?

Generally, restaurants whose sales of prepared food are greater than 75 percent of their total sales; cannot segregate their sales and not charge sales tax on food and food ingredients. As of Jan. 2008, retailers that primarily sell (more than 75 percent of their sales of food items) prepared food must collect retail sales tax on all sales of food and food ingredients, except food items sold as four or more servings. Food items of four servings or more of food or food ingredients packaged for sale as a single item and sold for a single price remain exempt from retail sales tax, unless the seller provides utensils.

Which Food or Beverages Sold by a Restaurant are Exempt from Sales Tax?

Establishments that do not primarily sell prepared foods may sell the following food and beverages tax exempt, unless sold with a utensil (plate, cup, bowl, fork, etc.).

- Bakery items
- Combined Foods-Two or more food or food ingredients combined by the seller if the food is:
- Only cut, repackaged or pasteurized by the seller
- Sold in an unheated state by weight or volume as a single item, such as potato salad sold by the ounce
- Raw meat, eggs, fish, poultry or an item containing these raw foods and that requires cooking as recommended by FDA
- Ready to drink sealed beverages that contain milk or a milk product or similar milk substitute
- Ready to drink sealed beverages containing more than 50 percent fruit or vegetable juice by volume

More Tax Exemptions

Sales to certain foreign diplomats/officials: The buyer must present a Diplomatic Tax Exemption Card at the time of purchase. A colored stripe on the card identifies the level of exemption the card-holder is authorized to receive. A description of the cardholder's level of entitlement to tax exemption privileges is also presented on both the front and back sides of the card. Sellers can verify the validity of such cards at https://ofmapps.state.gov/tecv/.





- Sales of prepared food to nonprofit organizations that resell the food as part of a fundraising activity: the nonprofit organization must provide a copy of their reseller permit to the restaurant. The sale is subject to B&O tax under the wholesaling classification.
- Bad debts or dishonored checks: The net amount (before tax) of a dishonored check is deductible to the extent it was taken as payment for goods or services and was included in amounts previously reported. Deduction is allowed at the time the debt is charged off the books of account. Please note that any amount subsequently recovered reduce the amount claimed as a deduction.

References: RCW 82.08.0293, WAC 458-20-119, WAC 458-20-196, WAC 458-20-124, WAC 458-20-107, WAC 458-20-110, WAC 458-20-102, WAC 458-20-244

Rev. 1/2/18



Paying Sales Tax

Handbook for Excellent Restaurant Operations

Restaurants are considered consumers when purchasing goods or retail services for its own use and must pay retail sales or use tax when purchasing the following:

- Chairs, tables and other furnishings
- Dishes, silverware and plastic trays
- Guest checks
- Janitorial supplies
- Pest control
- Special cleaning services (hoods, vents, etc.)
- Vending machines (purchases or rentals)
- Matches
- Equipment (ovens, grills, coffee makers, etc.)
- Repair parts and labor
- Tap cleaning

Nontaxable - Goods for resale

A restaurant may use a reseller permit to purchase the following tax-exempt:

- Inventory/meal ingredients
- Soft drinks
- Disposable eating utensils and food containers (These are resold with the food product)
- Liquor, beer and wine

Use Tax applies when sales tax is not paid

Generally, when you purchase taxable goods or services in Washington state, the seller will collect retail sales tax. However, there are many instances where a seller will not collect Washington's retail sales tax. The most common circumstances where use tax will apply include:

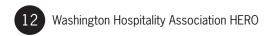
- Goods are purchased from someone who is not authorized to collect sales tax such as an unregistered individual.
- Goods are purchased from an out of state retailer (Internet or mail order).
- Goods are purchased for resale but are consumed instead of resold.
- Goods are purchased in a state with no sales tax or a lower sales tax rate.
- Personal property is acquired with the purchase of real property.

To report use tax, total your taxable purchases and list the amount on the use tax lines (state and local) of the excise tax return. Maintain documentation that use tax was paid.

Note: Sales tax applies to the selling price whereas use tax applies to the value. The local use tax rate is determined by the location where the goods are used.

References: RCW 82.08.020, RCW 82.12.020 WAC 458-20-178

Rev. 1/3/17







Place of sale and local sales/use tax

The local sales tax is calculated using the rate at the location where the meals are served. Generally, this will be the location of the restaurant. However, if the customer receives the meals at a different location, then tax is calculated using the rate at the location where delivery occurs.

When reporting use tax, the correct location code is the location of first use.

A complete list of location codes and tax rates is available in the Tax Return Information and Local Sales and Use Tax flyer that is mailed each guarter with the excise tax return, and on the Department website at http:// dor.wa.gov.

Note: The local tax code used on the tax return determines how the Department will distribute local sales and use taxes. Because local governments depend upon these taxes to fund local services, it's important to use the correct location code.

Other local taxes

In addition to collecting the state and local sales tax, sellers in certain locations may be required to collect additional local taxes.

Regional Transit Authority (RTA): Sellers located in portions of King, Pierce and Snohomish counties must collect an additional 0.9 percent local tax.

Rev. 1/27/17



Bakery Items

Handbook for Excellent Restaurant Operations

What is considered a "bakery item?"

"Bakery items" include breads, rolls, bagels, biscuits, croissants, pretzels, donuts, pastries, pies, cakes, tortes, muffins, cookies, tortillas, etc.

Note: Candy and pizza are not considered bakery items for purposes of the tax exemption.

Are bakery items taxable?

Washington law specifically exempts sales of bakery items. However, this exemption does not apply when the bakery item is sold with an eating utensil, or sold by an establishment that makes utensils available and primarily sells prepared foods. Utensils include plates, knives, forks, spoons, glasses, cups, napkins, and straws. Utensils do not include bags, boxes, and other containers or packaging used to transport bakery items.

Should retail sales tax be collected when bakery items are sold with coffee?

The charges for nontaxable bakery items must be properly segregated from the charge for any taxable items, such as a cup of coffee, otherwise the entire un-segregated charge is subject to retail sales tax.

References: RCW 82.08.0293; WAC 458-20-124; WAC 458-20-244; WAC 458-20-119 and WAC 458-20-12401







Does sales tax apply to banquet room charges?

Restaurants may rent out part of their facilities to others for banquets, parties, meetings, etc. In most cases, if you make a separate charge for the use of a banquet or meeting room, retail sales tax does not apply. Instead, this income is subject to B&O tax under the service and other activities classification. (However, banquet/meeting facilities provided by a lodging business (hotel, motel, etc.) are subject to sales tax.)

Reference: WAC 458-20-124; WAC 458-20-12401 and WAC 458-20-119

If a single charge is made for both a banquet room and meals/drinks, the total charge is subject to retailing B&O tax and retail sales tax must be collected.

When an independent caterer charges their customer for their cost (and any markup) of renting a banquet room, such charge is considered part of the catering charge (much like charges for tables, chairs, flatware, etc.), and is subject to retailing B&O tax and retail sales tax.

Lodging Facility: In all cases, hotel and motel businesses must collect retail sales tax on banquet room charges whether separately stated or not. Hotel and motel businesses should refer to WAC 458-20-166. Note: Mandatory gratuities are part of the selling price of the food or drinks even if separately stated. See the Gratuities Section.

Reference: WAC 458-20-118

Rev. 12/14/14



Caterers and Catering

Handbook for Excellent Restaurant Operations

Are caterers required to collect sales tax?

Caterers must collect retail sales tax on their total charge to customers for catering services. This includes the charge for meals, equipment and decorations, as well as the catering service. Tax applies regardless of where the caterer prepares and/or serves the meals and whether the caterer uses ingredients that the customer provides.

The caterer must collect sales tax based on the location where the caterer serves or otherwise delivers the meals.

Wholesale sales

Caterers selling to persons other than consumers are making wholesale sales and may accept a reseller permit and report the sale under the Wholesaling B&O tax classification. Retail sales tax does not apply.

Do caterers have to pay sales tax on purchases?

Yes. Caterers must pay retail sales or use tax on purchases or rentals of items for their own use in the business. The caterer is providing a retail service and is considered the consumer of all tangible personal property used. The tax applies even if the caterer itemizes the charge to the customer for the use of the items.

Examples of taxable items:

- Plates
- Glasses
- Linens
- Serving utensils
- Silverware
- Decorations
- Cooking equipment

Rev. 1/3/17



What amount is subject to tax when a customer uses a two-for-one coupon?

For tax purposes, selling meals on a "two for one" or similar basis is not giving away a free meal, but rather selling meals at a discounted price. Retail sales tax and retailing B&O tax apply to the amount that is actually received by the seller.

Example: A customer uses a two-for-one coupon to purchase two meals costing \$10 each. Tax applies to \$10, which is the actual amount charged for the two meals. If extra items are sold, such as beverages, tax applies to \$10 plus the amount charged for the beverages.

Do I need to collect sales tax when I sell a gift certificate?

Retail sales tax does not apply to the sale of a gift certificate or gift card. Instead, tax applies to the total charge for the meal at the time the gift certificate or card is actually redeemed.

Example: A customer purchases a \$25 gift certificate in July. A sale has not really occurred at this time and no tax applies. In August the customer redeems the certificate and purchases a meal costing \$30. Retail sales tax applies to \$30. The restaurant charges the customer \$30 plus tax. The amount of the gift certificate is then applied as a cash payment toward the total amount due. The customer pays the total bill less the \$25 certificate.

How does tax apply when a discount voucher is used?

Some restaurants have agreed with third parties to accept web-based "discount vouchers" that may be redeemed for personal property and services at a reduced or discounted price.

As a general rule, if a customer redeems a discount voucher when purchasing a product or a retail service, the retailer is required to collect retail sales tax based on the total amount paid for the voucher, plus any other consideration received by the seller (e.g., cash, check, or credit card amount).

Please note there are numerous arrangements involving vouchers that may result in a voucher not being considered a discount voucher. See the Department of Revenue's Special Notice on Discount Vouchers. http://dor.wa.gov/docs/pubs/specialnotices/2012/sn_12_discountvouchers.pdf

Does tax apply to free meals?

If a restaurant provides a free meal to a person other than an employee, the meal is not subject to retail sales tax or use tax. However, if soft drinks or beer/wine are given away, use tax applies to the value.

See the Employee Meals Section.

Rev. 12/14/14



Cover Charges

Handbook for Excellent Restaurant Operations

Does sales tax apply to cover charges?

A cover charge is generally a fee that is collected from guests to allow guests entry to a specific event or activity. The tax application depends upon the specific activity for which the charge is made.

- Retail sales tax does not apply to fees collected for the privilege of listening to music, providing the
 opportunity to dance where no dance floor is provided or watching a pay-per-view show. The gross amount
 received is subject to B&O tax under the Service and Other Activities.
- Retail sales tax applies to cover charges that provide a guest the opportunity to participate in a contest, such as karaoke or events where guests are an active participant. Gross receipts are subject to B&O tax under the Retailing.

Sales tax may be included in the amount charged if it is properly posted that tax is included. Refer to the Including Sales Tax in the Price section.

Rev. 12/29/17



Which food and beverage sales by a deli are subject to sales tax?

Delicatessens usually make more than 75 percent of their food sales in prepared food. If your prepared food sales are greater than 75 percent of your total food sales, then you are required to collect sales tax on your total food sales except for sales of packages containing four or more servings. Prepared food includes heated foods, combined foods (two or more ingredients), or foods sold with utensils provided by the seller.

Delicatessens offer a variety of food and beverages for sale. Some foods are "prepared food" such as sandwiches, soups or salads and are generally subject to sales tax. However, nontaxable grocery type foods such as canned or prepackaged food, baked goods, and meats and cheeses are also sold by delis. Combination businesses that meet the 75 percent prepared food threshold are not allowed to segregate their sales and must charge sales tax on all food sales, except foods falling within the four or more servings exception, or foods that qualify for purchase under the Federal Food Stamp Act. (See combination business section and 75 percent prepared food threshold).

If you do not collect sales tax on all your food sales, you must prove that your prepared food sales are below the 75 percent threshold or you will be liable for any uncollected sales tax on your total food sales.

Establishments that do not meet the 75 percent prepared food threshold must collect sales tax on the following:

- Any food or beverage sold with or in a cup, plate, napkin, fork, spoon, bowl, etc.
- Any food or beverage sold hot, except bakery items.
- Any food or beverage where the seller has combined two or more ingredients unless the seller merely cut, repackaged or pasteurized the food items (sliced meats and cheeses). The seller sells the item unheated and by weight or volume as a single item (salads). The food is raw meat, fish, poultry or eggs, or contains any of these raw ingredients and recommended by the FDA to be cooked.

Establishments that do not meet the 75 percent prepared food threshold may sell the following types of food products tax exempt:

- Fresh fruit/vegetables
- Bakery items sold without a utensil
- Other bottled or canned beverages containing over 50 percent fruit or vegetable juice, or milk, milk product or milk substitute
- Canned goods
- Prepackaged food (packaged by the manufacturer)

Exception for four or more servings

Food or food ingredients packaged for sale as a single item containing four servings or more (e.g., ground coffee, whole cakes, loaves of bread) and sold for a single price are not subject to sales tax, even if the business exceeds the threshold. However, if the seller's customary practice is to physically hand or otherwise deliver a utensil to the customer as part of these sales transactions, then sales tax will apply. The number of servings in a package of food or food ingredients is determined by the manufacturer's label. If no label is available, you must reasonably determine the number of servings.



Delicatessens

Handbook for Excellent Restaurant Operations

Calculating for multiple locations

If you have multiple locations, you may calculate a separate percentage of prepared food sales for each location or one overall percentage of sales figures from all locations in the state. You can use the prior fiscal year or calendar year's sales figures. Once you choose a method of calculation, you must continue to use that method for future calculations unless written consent is received from the Department of Revenue to change methods.

Additional information

More information is available at the DOR website at dor.wa.gov/food, including:

- Prepared food calculator
- Restaurant and retailers of prepared food guide
- Food and food ingredients

References:

RCW 82.08.0293, WAC 458-20-124, WAC 458-20-11, WAC 458-20-244

Rev. 1/2/18



Are employee meals subject to tax?

Meals and beverages provided to the restaurant's employees without charge are exempt from sales and B&O tax. This exemption does not extend to alcoholic beverages, nor to meals or beverages provided to non-restaurant employees. Sales tax applies if the employee is charged for the meal.

Alcoholic beverages and free meals provided to non-restaurant employees are subject to sales tax.

Restaurant operators that charge employees for meals continue to be taxed on such charges.

What is exempt?

- "Meals" provided without specific charge to employees are exempt.
- "Meals" means one or more items of prepared food or beverages, but does not include alcoholic beverages.

Who may claim the exemption?

This exemption extends only to "restaurants." A "restaurant" is any establishment having special space and accommodation where food and beverages are regularly sold to the public for immediate, but not necessarily on-site, consumption.

Who may not claim the exemption?

The exemption does not extend to grocery stores, mini-markets, convenience stores or businesses making sales through vending machines or through mobile sales units such as catering trucks or sidewalk vendors of food or beverage items.

For more information:

Visit the Department of Revenue website at dor.wa.gov, send an email to dorcommunications@dor.wa.gov or call the department's telephone information center at 800.647.7706.

References:

RCW 82.04.040, RCW 82.08.010, WAC 458-20-124, WAC 458-20-119

Rev. 1/27/17



Espresso Stands

Handbook for Excellent Restaurant Operations

In Jan. 2016, a 26-year-old drive-through coffee stand owner died from burns she received when her stand caught fire. Propane vapor leaking from a 20-pound barbecue style cylinder was ignited by the open flame of a propane space heater's pilot light. The space heater was used to heat the stand. She had been using the 20-pound cylinder with a coupler adapter to transfer propane to refill one pound cylinders. These cylinders were used to fuel the space heater. She received burns to 90 percent of her body and died four days later.

Recommendations:

To prevent similar occurrences in the future, Washington State Fatality Assessment and Control Evaluation (FACE) investigators concluded that employers and business owners should follow these guidelines:

- Employers and business owners should recognize and train employees on the potential fire, explosion, and burn hazards associated with propane gas vapor near an open flame, such as the pilot light of a propanepowered space heater.
- Employers and business owners should not use adapters to transfer propane from larger cylinders to refill
 one-time use only 1-pound propane cylinders, as this practice creates a risk of fire, explosion, serious injury,
 or death.
- Employers and business owners should follow National Fire Protection Association (NFPA) building fire codes and local building codes to ensure safe building egress (exit).
- Employers and business owners should provide adequate heat in a safe manner to the workplace.

NOTE: Espresso machines are highly pressurized boilers, but are not required for inspection by L&I.

References:

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- 9. Washington State Department of Labor and Industries. Carbon Monoxide Poisonings at Indoor Work Places. http://www.lni.wa.gov/safety/hazardalerts/CarbonMonoxidePoisoningsAtIndoorWorkPlaces.pdf
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- 12. Washington Administrative Code (WAC). Temporary Heating Devices, WAC 296-155-280. http://app.leg.wa.gov/WAC/default.aspx?cite=296-155-280
- 13. Washington State Department of Labor and Industries. Carbon Monoxide: Sources of Carbon Monoxide in the Workplace. http://www.lni.wa.gov/Safety/Topics/AtoZ/CarbonMonoxide/default.asp
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Rev. 1/27/17



Games, Gambling and Similar Income

Handbook for Excellent Restaurant Operations

How does tax apply to games and gambling?

Many restaurants offer entertainment in the form of games. The restaurant may own the games or receive commission for allowing the games to be placed in the restaurant.

Commissions: Income for allowing the placement of vending machines or games is subject to B&O tax under the Service and Other Activities classification. (See Vending Machines Section at dor.wa.gov/Content/DoingBusiness/BusinessTypes/Industry/RestaurantsPreparedFoods/default.aspx#DORLogo.)

Air hockey/Pool/Foosball/Darts/Shuffleboard: These activities are retail sales. Gross receipts are subject to retail sales tax and the Retailing classification of the B&O tax. Game operators may factor out retail sales tax from the amount received by coin-operated games to determine gross receipts.

Note: Effective Jan. 1, 2016, amounts paid to play all forms of dart games (i.e., steel tip darts, soft tip darts, and electronic dart games) are retail sales. Prior to this date steel and soft tip darts were retail sales, and electronic dart games were subject to B&O tax under the Service and Other Activities classification.

Video games/Amusement devices: This includes slots, pinball, and other machines or devices that permit the patron to play a game. Gross receipts are subject to B&O tax under the Service and Other Activities classification.

Note: Sales or use tax applies to the purchase of the machines.

Internet Access: Gross receipts for allowing customers access to the Internet is subject to B&O tax under the Service and Other Activities classification.

References: WAC 458-20-187

Rev. 2/19/16





Retail sales tax and retailing B&O tax do not apply to tips or gratuities received under circumstances that are clearly voluntary. However, if a gratuity is added to the check, bill, receipt, etc., such that it is not clearly voluntary, the charge becomes part of the selling price subject to retail sales tax and retailing B&O tax. When gratuities are added to the check, bill, receipt, etc., by the business, it has the burden to prove that the gratuity is clearly voluntary.

Below we discuss methods customers frequently use to pay gratuities and whether the gratuities are clearly voluntary and exempt of tax or subject to tax as a part of the selling price.

Tip jars

When customers voluntarily put money into a "tip" jar left out by a business, these amounts are clearly voluntary gratuities and exempt of tax.

Cash payments over the total listed on the check, bill, etc.

When customers voluntarily leave a cash payment (on the table, in the check holder, etc.) more than the total amount due listed on the check, bill, etc., these amounts are clearly voluntary gratuities and exempt of tax.

Gratuity is a blank amount/line on the check, bill, etc.

When the gratuity amount on a check or bill is a blank amount/line that the customer fills-in after the food service is provided, the gratuity is clearly voluntary and exempt from tax.

Gratuity is added by the business to the check, bill, etc.

When the gratuity amount is agreed upon prior to the provision of the food service and/or the check, bill, contract, menu, business's website or other documents state that a gratuity "will be added," and that amount is then added to the bill or invoice with no clear means for the customer to modify or delete the charged gratuity, the Department of Revenue presumes the gratuity is not clearly voluntary and will be subject to retail sales tax and retailing B&O tax.

Example: A restaurant has a policy to add an 18 percent gratuity to the bill for groups of five or more customers, which is stated in menus and on checks. The total food bill for a group of five is \$100 and a mandatory tip of 18 percent is added on for a total bill of \$118. Retail sales tax and retailing B&O tax applies on \$118.

Auto generated or suggested gratuity added to an electronic check, bill, etc.

Many restaurants allow customers to pay through electronic means, applications (apps), on their customers' mobile devices, or through table kiosks, tablet computers, etc. accessed by customers. If at the time of payment, the app or restaurant device makes clear that gratuity is voluntary by defaulting to a blank line or displaying \$0 value for the gratuity that the customer can freely adjust after the meal or service is provided and clearly makes the customer aware the gratuity is voluntary, then the gratuity would be considered clearly voluntary and exempt from tax.

Otherwise, the Department of Revenue will presume that charges automatically added through apps or restaurant devices, etc., are mandatory and subject to retail sales tax and retailing B&O tax.

Rev. 12/29/15



Including Sales Tax in the Price

Handbook for Excellent Restaurant Operations

Can I include the sales tax in my sales price?

Sales tax must always be separately stated on the sales receipt that is given to the customer. However, there are instances when the sales tax may be included in the advertised price.

A restaurant may advertise and/or sell meals, beverages, or other items at prices including sales tax, but only if the menu and other price information clearly indicate that sales tax is included in the price.

Calculating the taxable amount: If sales tax is included in the price, the amount of tax may be backed out of "gross receipts" to arrive at the amount subject to tax.

Example: A glass of wine is sold for \$5, including sales tax. Assuming an 8.4 percent tax rate, the gross amount subject to tax is \$4.61 (5/1.084).

Example: A coffee bar sells a double, tall, latte for \$3, including sales tax. Assuming a tax rate of 8.4 percent, the taxable amount is \$2.77 (3/1.084).

Note: If sales tax is not separately stated or properly indicated as included, it is presumed that retail sales tax was not collected. In which case, retail sales tax applies to the gross receipts of the business.

What about vending machine sales?

It is not necessary to separately state the amount of sales tax or to post "tax included" when making sales through a vending machine. See the Vending Machine Section. (page 25)

References: WAC 458-20-107; WAC 458-20-124; WAC 458-20-187





Do I collect sales tax on "take-and-bake" pizzas?

When the seller is the one who combines two or more ingredients to make the pizza, the seller must collect sales tax.

Retail sales tax does not apply to sales of prepackaged pizza when sold by a person who did not combine the ingredients.

Example: Retail sales tax does not apply to pizza when sold by a grocery store when the grocer does not make the pizza or combine the ingredients.

What if I deliver pizza to a customer outside the state?

If you deliver pizza to the customer at a location outside the state, Washington's tax does not apply. You may take an "interstate sale" deduction under both retail sales tax and retailing B&O tax.

References: WAC 458-20-124; WAC 458-20-12401 and WAC 458-20-193



Syrup Tax Exemption

Handbook for Excellent Restaurant Operations

What is syrup tax and when does it apply?

Syrup tax is an excise tax on wholesale sales of concentrated syrups that are used with carbonated water to produce a carbonated beverage.

Wholesalers generally collect the tax from retailers. However, if the wholesaler does not collect the tax, the retailer must report and pay the tax directly to the Department. This generally occurs in situations where the syrup is purchased from an out of state wholesaler who is not registered in Washington.

The tax must be reported on the designated "syrup tax" line of the combined excise tax return. Reference: WAC 458-20-255

Retailers that pay syrup tax when buying carbonated beverage syrup to make carbonated fountain drinks can claim a business and occupation (B&O) tax credit. The B&O tax credit is now 100% of the syrup tax paid.

Requirements for the B&O Tax Credit:

- Syrup must be used by the buyer in making carbonated drinks sold by the buyer
- Credit must be claimed in the tax report period when the syrup was purchased
- Unused credit may be carried forward to future reporting periods for a maximum of one year (12 months from the end of the tax reporting period when the credit was earned)
- Credit may not exceed the B&O tax due
- No refunds for credits

The credit must be itemized under the Credits section of the tax return when being claimed.

Rev. 12/14/14





What is "unclaimed property"?

Unclaimed property is money or intangible property held for a period of time with no owner contact. The Washington Unclaimed Property Act protects unclaimed property until it is returned to its rightful owner or their heir. The Department of Revenue acts as custodian for safe keeping of the property until the rightful owner can be located. When reported to the Department, abandoned property is available for refund to the owner or legal claimant indefinitely.

Washington state law requires businesses and other organizations to review their records each year to determine whether they hold any property that has been unclaimed for a set period of time. Businesses must file an annual report and deliver the property to the state.

What type of unclaimed property does a restaurant have?

The most common types of unclaimed property held by restaurants include: Unclaimed wages such as payroll checks **Customer credits** Unredeemed gift certificates issued prior to July 1, 2001

Gift certificates issued after July 1, 2001, may be retained if any listed expiration date is not enforced. For gift certificates issued after July 1, 2004, no expiration date is permitted. After July 1, 2004, retailers, including restaurants, may not charge fees on gift certificates. Balances of \$5 and less must be refunded at owner's request.

When is property considered abandoned?

Most property is presumed abandoned after three years, however, wage or payroll checks are presumed abandoned one year from the date payable to the employee.

When should I report unclaimed property?

A business that has unclaimed property must report by November 1 each year. Unclaimed property forms are available via the Department's website, via e-mail to UPC@dor.wa.gov, or by calling 800.435.2429.

Reference: 63.29.RCW

Rev. 1/3/17



Vending Machines

Handbook for Excellent Restaurant Operations

Should sales tax be collected when sales are made through a vending machine?

Retail sales tax applies to sales of merchandise that is sold through a vending machine. Gross receipts are subject to retailing B&O tax.

Merchandise includes items such as cigarettes, toiletries and toys, but does not include food and food ingredients.

The person that owns the machine should report and pay the tax. The owner may back out the amount of sales tax from the total amount received in the machines to arrive at the gross taxable amount. Example: The total amount received in the machine is \$200. The tax rate is 8.4 percent. The gross taxable

amount subject to retail sales tax and retailing B&O tax is \$184.50 (\$200/1.084 = \$184.50).

What about hot food and soft drinks?

Sales of hot food such as coffee, chocolate, tea, soups, etc. and soft drinks are subject to sales tax. The amount of sales tax may be backed out of the total amount received to arrive at the gross taxable amount.

Example: The gross receipts in the machine are \$200. The tax rate is 8.4 percent. The gross taxable amount subject to retail sales tax and retailing B&O tax is \$184.50 (\$200/1.084 = \$184.50).

Are candy and bottled water taxed?

As food or food ingredients, bottled water and candy are subject to sales tax on 57% of the gross receipts when sold through a vending machine.

Example: Gross receipts from the vending machine equal \$100. Tax rate is 8.4 percent. Total taxable amount subject to retail sales tax is \$57 ($$100 \times 57$ percent = \$57). The amount subject to retailing B&O tax is \$95.21 (\$100.00- \$4.79 sales tax on \$57). \$ 38.21 should be deducted under the retail sales tax category as an exempt food sale.

References: WAC 458-20-187 and WAC 458-20-244

See DOR's Vending Machine Worksheet at http://dor.wa.gov/docs/forms/misc/vendingmachinewksheet.xls

Rev. 12/14/14





What is leasehold excise tax and when does it apply?

The leasehold excise tax applies in lieu of county property tax when persons or businesses lease or occupy publicly-owned real or personal property.

Public property is property owned by the federal government, state of Washington, counties, school districts and other municipal corporations.

The amount subject to tax is generally the amount of rent, although certain expenses and improvements may also be included in the taxable amount.

Generally, the tax is collected by the public entity that leases the property. However, the federal government does not collect the tax. Therefore, persons leasing federal property must report and pay the tax directly to the Department of Revenue.

Note: For more information regarding leasehold excise tax, contact the Department's Special Programs section at 360.570.3244.

Rev. 1/3/17



Litter Tax

Handbook for Excellent Restaurant Operations

Does litter tax apply?

The litter tax applies to sales of certain products that contribute to litter problems.

Taxable products sold by restaurants generally include:

- Food served "to go" or packaged for sale in to-go containers
- Beverages served "to go" packaged for sale in to-go containers
- Newspapers
- Cigarettes/tobacco products

The litter tax rate is .00015 (.015 percent).

Regardless of where a restaurant is located, sales of food and beverages packaged for sale in to-go containers, or otherwise wrapped in a way that makes it easy to carry the food away from the seller's premises, will be presumed to be subject to litter tax.

On the other hand, litter tax will not apply when food or beverages are served for immediate consumption indoors at the seller's place of business or served for immediate consumption at an eating area that is contiguous to the seller's place of business, and that is controlled by the seller, such as a deck or patio.

Where a seller serves prepared food with reusable dishes and utensils, to a customer on the seller's premises for immediate consumption, the sale is exempt from litter tax even if the customer only consumes part of the meal and then requests "to go" containers to take any leftovers away from the premises.

A seller will qualify for exemption from litter tax only for those sales made in such a manner that it is clear that they are intended for immediate consumption on the seller's premises, or an area controlled by the seller. To sustain the exemption from litter tax, the seller must be able to track and distinguish sales for immediate consumption on its premises and those packaged and sold in a manner that the food may be easily taken away from the seller's premises.

References: WAC 458-20-243

Washington State Department of Revenue Special Notice, Litter Tax Exemptions for Prepared Food and Beverages (See dor.wa.gov/docs/pubs/specialnotices/2005/sn_05_littertax.pdf)

Rev. 12/29/15





What is personal property tax?

Most people are aware that property tax applies to real property. Personal property is also subject to property tax when used in a business activity. Personal property includes machinery, equipment, furniture and supplies. The tax rate for real and personal property is the same.

How do I report and pay personal property tax?

Every person who uses personal property in a business or has taxable personal property must complete a Personal Property Tax listing form by April 30 each year.

The form must list the taxable personal property located in the county as of noon on January 1. The list must include the acquisition cost and year acquired. The assessor uses the form to value personal property for taxes due the following year.

County assessors and treasurers levy and collect the property tax. The county assessor mails personal property listing forms in January of each year to persons who have previously listed personal property. If you do not receive a form, or have questions regarding real and/or personal property taxes, please contact your local county treasurer's office. The number is listed in the county government section of the telephone directory.



Record Keeping Requirements

Handbook for Excellent Restaurant Operations

What records must I keep and for how long?

Good record keeping is an important element of running a successful business. The law requires businesses to keep complete and adequate records for a period of at least five years. In general, records should be kept that provide:

- The amount of gross receipts and sales from all sources, including barter or exchange transactions.
- Supporting documentation for all deductions, exemptions or credits claimed.

Other important records to keep include:

- Federal income tax returns
- Washington excise tax returns
- General and subsidiary ledgers
- Sales and/or cash receipts journals
- Sales invoices
- Purchase/cash disbursement journals
- Purchase invoices for assets and expense items
- Financial statements
- Reseller permit for wholesale sales
- Records of "to go" sales

Reference: WAC 458-20-254

Rev. 12/14/14



How are accounts selected for audit?

Audits are a routine procedure used to determine whether state excise taxes are being reported and paid correctly. The majority of businesses audited by the Department of Revenue (DOR) are chosen using statistical methods.

What happens during an audit?

The auditor reviews the business records to verify that taxes were properly reported. A review includes:

- Income reconciliation (amount and classification)
- Confirmation of any deductions or exemptions claimed
- Confirmation that sales or use tax was paid on purchases (assets and consumables)

Note: An audit period generally covers four years plus the current reporting period.

What happens after the audit?

The auditor will discuss the results of the audit. If you agree with the results, the auditor then prepares the final audit report. A field audit manager reviews the audit before submitting it to the Audit Division's audit review. This can take six to eight weeks.

If the audit results in additional taxes owed, you have 30 days from the date the audit is mailed to pay the tax and interest in full.

If you have overpaid your taxes, you will receive a credit notice to apply against amounts due on future returns, unless you request a refund.

You are encouraged to schedule a conference with the field audit manager if you disagree with the audit adjustments. If you are unable to reach an agreement, you will be informed of how to file a for an administrative review and hearing. You have 30 days from the date the audit report is mailed to file an appeal.

Please see http://dor.wa.gov/Content/Home/help/tutorials/PreparingForAnAudit/ for more information. This link has guides for audits for DOR, ESD and L&I.

Rev. 1/3/17



Breastfeeding

Handbook for Excellent Restaurant Operations

Employer Requirements for Nursing Mothers

Q: What is the law that determines what employers must provide for employees that are breastfeeding?

A: The Affordable Care Act amended section 7 of the Fair Labor Standards Act ("FLSA"), creating a nursing mothers break time provision for employees.

Q: What accommodations are employers required to provide employees that are nursing or expressing milk?

A: Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion.

Q. Do employers need to provide employees with breaks for this purpose?

A: Yes. Employers must provide reasonable break time for an employee to express breast milk/nurse for up-to one year after the child's birth each time an employee has need to do so.

Q: Does this law apply to all employers?

A: No. The law is a requirement of all businesses that employ more than 50 people, including franchise businesses even if the on-site staff is fewer than 50. However, businesses with fewer than 50 employees must prove it is hardship to comply with the law in order for the mandate to not apply to them.

Rev. 7/21/2016

Rules of Breastfeeding in Public

Q. Is breastfeeding indecent exposure?

A. No. The act of breastfeeding or expressing breast milk is not indecent exposure.

Q. Does a mother have a right to breastfeed her child in my restaurant?

A. Yes, a mother may breastfeed her child in any place of public resort, accommodations, assemblage or amusement.

O. Is discrimination against a breastfeeding mother allowed in my restaurant?

A. No. Discrimination against a mother breastfeeding her child in any place of public resort, accommodations, assemblage or amusement is prohibited.

Q. Can my restaurant place limits on the amount of nudity allowed during the act of breastfeeding a baby?

A. No. To do so would be considered discrimination. In fact, a mother is afforded an absolute right to breastfeed her child in public establishments including restaurants. It is an unfair practice to restrict patronage to, curtail the presence of, distinguish options for or otherwise discriminate against a mother breastfeeding her child.

Q. What can I do if my patrons feel uncomfortable observing a mother breastfeeding her child?

A. Although patrons who observe a mother breastfeeding her child may express their discomfort or dissatisfaction, they must accept it as lawful behavior, or they have the option to excuse themselves from viewing it. The mother, on the other hand, must be allowed to remain put. According to the Washington State Human





Rights Commission, a mother breastfeeding her child in public cannot be asked to cover her child, move to a different location or to leave. Restaurant owners are allowed to provide an area for mothers to breastfeed privately, but they may not insist on its usage, and the mother may refuse to use it. A restaurant owner could also tactfully explain to the offended patron that Washington state has laws that support a mother's choice to breastfeed in public, and offer to move the patron to a different area.

Q. Can I designate my restaurant to be "infant-friendly" on its promotional materials?

- **A.** Yes, if you have an approved workplace breastfeeding policy addressing at least the following:
- (1) Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for expression of breast milk;
- (2) A convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breastfeeding or expressing breast milk;
- (3) A convenient clean and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in the private location; and
 - (4) A convenient hygienic refrigerator in the workplace for the mother's breast milk.

Employers seeking approval of a workplace breastfeeding policy must submit the policy to the Washington State Department of Health. The Department of Health shall review and approve those policies that meet these requirements. The department may directly develop and implement the criteria for "infant-friendly" employers, or contract with a vendor for this purpose.

References:

RCW 9A.88.010 (2001) (HB 1590)

RCW 9A.88.010 (1).

RCW 49.12.005

RCW 49.60.030(g)

RCW 49.60.215

2009 Wash. Laws, Chap. 164, HB 1596

Rev. 8/29/14



Pregnancy Accommodation

Handbook for Excellent Restaurant Operations

In 2017, the Legislature passed a new law providing specific civil rights protections for pregnant employees. If a pregnant employee works for an employer with 15 employees or more, she has the right to the following accommodations:

- Providing frequent, longer or flexible restroom breaks;
- Modifying a no food or drink policy;
- Providing seating or allowing the employee to sit more frequently; and
- Limiting lifting to 17 pounds or less.

Employers **may not** ask for written certification from a healthcare professional for the accommodations above.

In addition, a pregnant employee may have rights to other workplace accommodation(s) if there is no significant difficulty or expense to the employer. These are:

- Job restructuring, including modifying a work schedule, job reassignment, changing a work station or providing equipment;
- Providing a temporary transfer to a less strenuous or hazardous position;
- Scheduling flexibility for prenatal visits;
- Providing any further accommodations, the employee may need.

Employers **may** request written certification from a health care professional regarding the need for these accommodations, or for restrictions on lifting less than 17 pounds.

To request information or to file a complaint about pregnancy and work place accommodations contact the Attorney General's Office or call 833-389-2427.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.

Rev. 1/8/18



Overview of Washington State Supreme Court rulings on reasonable accommodations for religious practices

On May 22, 2014, the Washington State Supreme Court issued rulings in Kumar v. Gate Gourmet, clarifying employer obligations to accommodate employee religious beliefs and practices. Prior to the Kumar decision. it was unclear, in Washington, if employers were obligated to engage in an interactive process, and reasonably accommodate worker observation of religious beliefs and practices.

The issue of religious accommodation can arise in a variety of contexts. Common circumstances include dietary restrictions, religious requirements to wear a head covering or pray at certain times or requirements to observe a Saturday or Sunday day of rest and abstention from work. These and similar questions can present problems when employee meal options are limited, sufficient workers are needed to staff rush times or there are dress or appearance codes.

Unlike explicit requirements under federal laws, the Washington Law Against Discrimination (WLAD) is silent on the question of accommodation for religion. As recently as 2012, Washington courts held that the WLAD provided no legal basis for employees to claim entitlement to accommodation for religious beliefs and practices.

In the Kumar decision, the Washington State Supreme Court, for the first time, held that while the WLAD does not address the question, Washington employers are obliged to engage with employees seeking schedule, dress, or other accommodations due to sincerely held religious beliefs. The Court reasoned the obligation is inherent in the statute and in line with legislative intent to apply the WLAD broadly.

Frequently asked questions about religious accommodation:

Q. What must I do if an employee makes a religious request?

A. If an employee makes a request, you are obliged to engage in a back-and-forth, interactive process with the employee to see what, if any, accommodation is possible. Not every request needs to be granted, but, as a manager, you must identify and discuss potential options with the employee. Religious accommodations should be approached in the same manner that you would approach an employee's request for a disability accommodation.

Q. What is considered to be a "reasonable" religious accommodation?

A. Like disability accommodations, religious accommodations must be "reasonable." A requested accommodation that is too much of a burden on the employer will not qualify. The accommodation you give does not have to be what the employee requests. The accommodation you offer will be sufficient if it is determined following discussion with the employee, and is effective to address the employee's needs.

O. What if I doubt an employee's sincerity in making a religious accommodation request?

A. As a manager, you do not need to accept any request at face value. Where there are legitimate and well based reasons to doubt an employee's sincerity, you may ask the employee for more information to establish that the asserted religious beliefs at issue are in fact held.



Religious Accommodation

Handbook for Excellent Restaurant Operations

Q. What happens if I ignore or fail to respond to a religious accommodation request from an employee?

A. As a manager or supervisor, if you do not respond appropriately, you could expose your restaurant to liability. Restaurant managers and supervisors need to be aware of the new obligation, and they should be trained on how to respond to employee requests. Managers should consult with legal counsel if there are questions on how to address a particular employee's needs.

Notes: This brief is based upon a paper on the Kumar rulings by Patrick Pearce, a member at Ogden Murphy Wallace, PLLC, who practices with the firm's Employment and Labor and Hospitality groups. He is available at (206) 447-7000 or ppearce@omwlaw.com to address questions on this or other employment and labor law issues.

Rev. 9/5/14



Below is a general overview of service charges. It is not intended as legal advice, and is not an exhaustive discussion of the topic. If you have questions about any of this information, or about service charges in general, you are advised to consult an attorney.

FEDERAL LAW REGARDING SERVICE CHARGES

Federal law defines service charges as a compulsory charge for service. In contrast to service charges, guests decide whether to give tips, how much to give and who to give it them to, subject to a tip pool.

Under federal law, service charges:

- Are an employer's property, to do with as the employer deems
- Are deemed wages when paid to an employee while tips are not seen as wages except to the extent they are used to meet the tip
- Therefore, service charges paid to employees may help an employer meet minimum wage requirements, but also may result in an increase in an employee's regular rate for purposes of calculating overtime compensation, in comparison to if an employee received
- When paid to an employee, service charges may potentially allow an employee to meet the federal exemption from
- Are not subject to the income tax credit available for tips (for all FICA payments made on tips employee earned and reported above the tips needed to meet the tip credit).

WASHINGTON STATE LAW ON SERVICE CHARGES SINCE THE PASSAGE OF I-1433

Initiative 1433, which passed in November 2016, contains an express prohibition on the use of service charges to meet state minimum wage requirements.

WASHINGTON DISCLOSURE LAW (RCW 49.46.160)

Under Washington state law, employers who impose a service charge "related to food, beverages, entertainment, or porterage provided to a customer" must disclose, in an itemized receipt and in any menu provided to the customer the percent of the service charge that is payable directly to the employee or employees serving the customer.

This law defines "employees" as "non-managerial, nonsupervisory workers, including but not limited to servers, bussers, banquet attendants, banquet captains, bartenders, barbacks, and porters."

This law defines "service charge" as "a separately designated amount collected by employers from customers that is for services provided by employees, or is described in such a way that customers might reasonably believe that the amounts are for such services." It includes charges designated as a "service charge," "gratuity," "delivery charge," or "porterage charge."

ADDITIONAL CONSIDERATIONS

To help avoid potential claims for breach of contract (express or implied) or unjust enrichment, employers should consider advising employees in writing as to whether and to what extent service charges are paid to employees, and to obtain written acknowledgment regarding the same.



Service Charges

Handbook for Excellent Restaurant Operations

Frequently asked questions about service charges:

Q. What is a service charge?

A. A service charge is an amount that is automatically added to a customer's bill for services rendered by the employer's workers. Service charges include, but are not limited to, compulsory charges designated on the customer's receipt as a "service charge," "gratuity," "delivery charge" or "portage charge." For example, a restaurant that charges a compulsory (i.e.: not optional) gratuity for a table of six people or more secures a service charge, not a tip, on behalf of the employees who will receive the payment.

Q. How are service charges distributed to employees?

A. The employer collects the service charge and distributes to the employees who provided the service.

Q. What notice must a customer receive regarding service charges?

A. Washington law requires that employers disclose, in both the customer's itemized receipt and any menu provided to the customer, the percentage of the service charge paid directly to the employee or employees serving the customer.

Q. Are service charges considered wages, tips, or a benefit for employees?

A. Service charges are non-tip wages, subject to wage-related taxes, including Social Security, FICA, and income tax withholding.

Q. Can service charges paid to the employee be used to offset the federal or state minimum wage?

A. No. Because Washington has a higher minimum wage and is more favorable to employees than federal law, state law governs in this instance. Under Washington law, any gratuities paid to employees, whether from a tip or a service fee, must be paid in addition to the state minimum wage.

Q. Can service charges paid to the employee be used to offset the minimum wage requirements of the City of Seattle Minimum Wage Ordinance (Council Bill No. 118098)?

A. It is an open the question about whether, or not, service charges can be applied against the difference between the state and Seattle minimum wage since the passage, in Nov. 2016, of I-1433, which raised the statewide minimum wage. Because of its passage, we would expect the City of Seattle to re-evaluate its current policy. As written, the City of Seattle Minimum Wage Ordinance does not directly address how restaurants should treat service charges with respect to compliance with the ordinance's minimum wage requirements. However, the ordinance defines "minimum wage" as "all wages, commissions, piece-rate and bonuses actually received by the employee and reported to the Internal Revenue Service." The rules implementing Seattle's minimum wage ordinance clarified that service charges paid to employees can be viewed as a commission. It's important to understand the conditions under which this can apply, and we recommend reviewing the Seattle Minimum Wage Guide – and consulting with legal and/or financial team. As stated in response to Question 4, above, service charges are considered wages





paid to the employee that are subject to wage-related taxes, and are reported by the employer to the IRS. Accordingly, there is a convincing argument that – for the purposes of compliance with the City of Seattle Minimum Wage Ordinance – service charges can be considered part of the employee's "minimum wage" compensation. Employers are cautioned, however, that at no time can the employee's minimum wage – without taking services charges into consideration – fall below the state minimum wage.

Q. What are service charges for employers?

A. Services charges are part of the employer's gross receipts.

Q. What are the tax implications for using service charges?

A. Federal, state, and local law require employers to collect, report and pay taxes on service charges as part of a business's gross receipts. Under federal law, an employer cannot use the amounts paid as service charges to qualify for an IRC Section 45B tax credit. Under Washington law, employers are required to pay retail sales tax on service charges while both Washington and the City of Seattle require businesses to pay business and occupation ("B&O") tax on service charges. For employees, service charges are part of their regular, taxable wages from which employers must withhold Social Security, FICA and income taxes.

Q. If a business distributes service charges to employees, can it discontinue doing so or change the amount it distributes in the future?

A. Employers may enact or discontinue service charge programs at their discretion. Federal, state and local laws do not require employers to charge guests a service charge. However, when an employer does assess a service charge, it must adhere to the outlined laws, regulations, and standards. For example, Washington law requires employers to disclose on either an itemized receipt or on a menu what percentage of an automatic or contracted service charge is actually paid or payable to employees serving the guest.

Q. Are there other concerns employers should be aware of in relation to service charges?

A. Employers may be able to use service charges as positive recruitment and retention tools. Employees may prefer to work for companies and in positions where they are guaranteed a percentage of sales for the service they provide to customers. Service charges may also increase the value of benefits employees receive when those benefits are computed on an employee's total wages, such as 401k employer contributions or shortterm disability. This positive impact on wages and benefits may help to ensure greater employee satisfaction, reducing recruitment and turnover costs. The downside for employers is that service charges may increase tax and reporting burdens for businesses, and may disqualify businesses from certain tax credits, such as the IRC Section 45B tax credit for tipped employees. Service charges may also increase the value, and therefore, the expenses of benefits that may be provided to employees.



Service Charges Handbook for Excellent Restaurant Operations

| Examples of Disclosure Statements: Restaurant Menu A(n) % service charge on the total bill will be automatically added for parties of or more, plus sales tax. Service staff receive % of this added service charge. |
|---|
| Catering Menu Beverage items, service charge and sales tax are not included in the listed prices. A(n)% service charge on the total bill will be automatically computed and added to the overall invoice for food and beverage plus sales tax. |
| % of the computed service charge is distributed to non-managerial service staff. Food Beverage Total food & beverage Service charge @% Pre-tax total % of the service charge is distributed to non-managerial service staff. |
| Porterage Fees Client agrees to pay \$ porterage fee per room for bell staff to deliver [item(s) to be delivered]. Bell staff/Porters receive% of the porterage fee. |
| References: 29 C.F.R. §531.55 29 C.F.R. 531.55(b) IRS Rev. Rul. 2012-18 (June 25, 2012) IRS Rev. Rul. 59-252, 1959-2 C.B. 215 RCW 49.46.160(1) RCW 49.46.160(2) (c) Seattle Municipal Code §14.19.010(Q) (set forth in Council Bill No. 118098, Section 2) WAC 458-20-124(11) WAC 458-20-166(4)(b)(i) Washington State Department of Labor and Industries Administrative Policy No. ES.A.3 If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/. |

Rev. 1/2/18





What is EMV? U.S. banks are switching up the insides of credit cards. They're adding something called EMV technology, which stands for "Europay, MasterCard, and Visa." Translation: Credit cards will be equipped with a super-small chip that's extremely hard to counterfeit. If you've gotten a card recently, chances are it has an EMV chip. EMV is not the same as PCI DSS. EMV protects against counterfeit card fraud, PCI compliance focuses on security of sensitive data.

To be EMV compliant, you will need new hardware to read these chips. The magnetic swipe will not be EMV compliant. Instead of the swipe, the new process will be more of a "chip-and-dip." Chip cards are inserted, or "dipped," into the payment device and left in place for the entire transaction as the reader and card talk back and forth. We will get into the hardware more later but first let's talk about how this affects you as a business owner.

What does this mean to me and my business?

For the merchant, this means starting in October 2015, the liability shifted. This might mean potential chargebacks to you, the merchant, depending on your level of secure technology. Formerly, if a counterfeit card was used in your business, the issuer was liable. Since October 2015, the party using the least secure technology is liable. For chip cards, if the merchant does not have a chip terminal or chip card reader, the merchant will be held liable. Formerly, if a lost or stolen card was used in your business, the issuer was liable. After October 2015, for chip and pin cards, the merchant is liable if the terminal or customer verification method they are using is less secure.

Is EMV compliance right for you?

EMV is not mandated or required for merchants, but there will be additional costs to become EMV compliant. You the merchant have the choice to implement EMV in your business. EMV is not protection against all chargebacks, the liability shift only covers counterfeit and lost or stolen cards. Chargebacks due to service or questionable charges are handled as done before October 2015.

So how do you know if you should implement EMV standards in your business? Here are a few considerations:

Location and demographic

Are you located in an area were counterfeit or lost and stolen cards are often used in your business? Do you accept a lot of international cards?

Chargeback ratios

How many chargebacks occurred in your business within the last year? What were the reasons for those chargebacks?

Cost vs. risk

What is the COST to implement EMV standards in your business and does that cost make sense for your business' RISK?

There are other considerations, too, including the training of staff, which is imperative because these cards are relatively new to the consumers as well as merchants. The transition is going to take a lot of patience on both sides.

Nevertheless, the EMV train has left the station. It's time to consider getting on board.

Rev. 3/3/16



ADA Compliant Websites

Handbook for Excellent Restaurant Operations

No one wants to get on the wrong side of laws and regulations.

Restaurant operators rightly go to great lengths to stay compliant with federal, state and local rules to avoid government sanctions and lawsuits from customers. Increasingly, however, businesses are finding themselves in trouble for not providing accessibility to their websites for disabled users.

"A wave of demand letters is hitting the desks of businesses that operate websites," Zoraida M. Vale, attorney with Graydon Head & Ritchey LLP, wrote in Lexology. "These letters are coming from plaintiff law firms who claim the business' website is inaccessible under the Americans with Disability Act (ADA). Typically, the demand letter threatens litigation unless the business enters into a settlement agreement. Title III of the ADA does not allow a private party to collect monetary damages, only injunctive relief and reasonable attorney's fees. So the proposed settlement agreement requires the business to pay the yet to be named plaintiff's attorney's fees and costs and use its expert to make the website 'compliant' with the ADA."

Although the ADA requires places of public accommodation to be accessible to the disabled, there is nothing in the ADA that specifically addresses website access. While courts are split on this issue, in view of the lawsuits that are being initiated against businesses due to this issue, it is a good idea to act proactively and protect yourself by updating your website with accessibility in mind.

"The goal of website ADA compliance is to write your website's code in such a manner that a person with epilepsy can use the site without risk of seizure, or a vision-impaired person using a reader can order his groceries or access his bank account," marketing expert Will Creedle wrote on the Z:Drive blog. "It's about fairness and bringing to the Web the same inclusiveness found in the brick-and-mortar establishments that comply with the ADA. There have been rules and best practices for writing and displaying code on a website for years now, but compliance with these rules has been only been mandated by certain businesses or industries. The result is that most websites are non-compliant and behind-the-times. The good news? Coding an ADA-compliant site is very possible with little or no impact to usability or design."

Before you make any changes to your website, get to know WCAG 2.0 – Web Content Accessibility Guidelines. This is the industry standard for non-government websites. It's also being used by the U.S. Department of Justice (DOJ) as a barometer in determining if a website is ADA compliant.

At its most basic, WCAG 2.0 stresses that in order to achieve accessibility, your website should be:

- **Perceivable:** Provide alternatives for text and media, create content that is presentable in different ways, and make it easier to see and hear content.
- Operable: Make all functionality on your pages available from keyboards, make sure have enough time to
 access features, avoid designs known to cause seizures, and provide tools for helping users navigate your
 pages.
- **Understandable:** Strive to make your Web content understandable and predictable and provide mechanisms so users can avoid and correct mistakes.
- Robust: Make sure your Website maximizes compatibility with current and future assistive technologies.

The DOJ is currently slated to release website accessibility guidelines for private businesses, in 2018, after many delays.

"Plaintiff law firms are taking advantage of the law's ambiguity on website accessibility standards," wrote Vale.





"Before your business becomes a party to the shakedown, review your website for accessibility issues."

Note: This article was adapted from Washington Restaurant Market Watch.

Appendix: How to Respond if You Receive a Demand Letter Regarding ADA Website Compliance

The National Restaurant Association received inquiries from five states regarding letters sent to restaurants by Carlson Lynch Sweet & Kipela (Carlson Lynch), a Pennsylvania law firm. The letters are headlined "FOR SETTLEMENT PURPOSES ONLY" (emphasis in original) and say that "experts ... have identified access barriers" on restaurant websites.

In its letters, the law firm lists "compliance failures" and urges recipients to contact the firm as a first step. Specifically, the letter states that before "engaging outside experts of your own, we invite you to first contact us directly to explore a far more cost-effective and pragmatic approach to resolving these issues." The firm also encloses a "Draft Settlement Agreement" under which a restaurant would agree to, among other things. "pay certain attorney's fees and expenses in the amount and in accordance with the terms memorialized in a separate, confidential letter agreement."

What should you do if you receive such a letter?

If you receive a similar letter from Carlson Lynch or another law firm, we encourage you to look at Chapter 6, "Legal Aspects of Compliance," of the National Restaurant Association's ADA "Toolkit for Restaurant Operators." Contrary to Carlson Lynch's recommendation to "first contact [Carlson Lynch] directly" before going to your own experts, we recommend that you contact or retain appropriate legal counsel and/or other consultants who are experienced in accessibility issues. In addition to that, since the letters threaten litigation, we also suggest you consider the following steps:

- Research the plaintiff. A simple Internet search of Carlson Lynch, for example, would show that, starting last summer, the law firm has sent hundreds of similar demand letters to retailers all over the country offering to settle these alleged ACA website-accessibility claims. As Carlson Lynch proudly highlights in its letter, it has already filed lawsuits against other retailers, including Foot Locker, Sears, Toys-R-Us, Brooks Brothers, Pep Boys, Hard Rock Cafe and others, mostly in Carlson Lynch's home state of Pennsylvania.
- Check whether other businesses in the area are being contacted by the same individual or entity. As with other ADA "drive-by lawsuits," plaintiffs in these cases commonly sue other businesses in the area as well. Given the number of inquiries we have been getting, it is highly probable that your colleagues are being contacted as well. Depending on the particular facts of each case, coordinating defense efforts or strategies may yield cost efficiencies and other advantages.
- Assess the violations alleged. You should carefully assess with legal counsel or other consultants the merits of the violations being alleged and potential strategies for resolving them. In this particular instance, it is questionable whether the violations Carlson Lynch highlights are actual violations at all.
- Notify your insurance company. Insurance coverage for the potential lawsuit you are being threatened with may or may not be available depending on the particular provisions of your policy and the nature of the allegations. Promptly notifying your insurance company of the claim will ensure that your rights under the policy are preserved.
- Know your rights. In the event an individual or entity threatens you with, or actually files, a lawsuit, you have the right to be represented by counsel and to ask that the individual or entity communicate with you only via that counsel. The individual or entity making the threat may also attempt to persuade you to hire them to advice on website accessibility issues. We recommend against it.



ADA Compliant Websites

Handbook for Excellent Restaurant Operations

What are the legally binding requirements for websites?

Unlike what the Carlson Lynch letter seems to imply, the U.S. Department of Justice has not issued any final, or proposed, ADA Title III rules on website accessibility. In 2010, the DOJ announced that it was planning to issue proposed regulations on website accessibility because "a clear requirement that provides the disability community consistent access to Web sites and covered entities clear guidance on what is required under the ADA does not exist." However, the DOJ has yet to issue proposed regulations for businesses. In fact, late last year the DOJ said it did not expect to publish such regulations until 2018.

Without a rule making from the DOJ, there is no regulatory guidance about legal requirements for the private sector on website accessibility, and no legally binding technical standard defining an accessible website. Yet despite its delay in issuing such regulations, the DOJ continues to pursue legal actions on website accessibility—particularly in conjunction with the DOJ actions on ADA violations related to a business's physical location. In addition, last year, in a couple of pending private lawsuits dealing with website accessibility, the DOJ filed briefs urging the courts not to stay or dismiss the cases due to the agency's lack of rulemaking.

What is coming next from the National Restaurant Association?

Despite no legally binding regulations, the DOJ continues to pressure businesses to comply with the "voluntary" Web Content Accessibility Guidelines (WCAG) version 2.0. The Association encourages its members to proactively explore these voluntary guidelines to address the accessibility of their websites.

The Association is working with Teresa Jakubowski, a partner in the Washington, D.C., office of Barnes & Thornburg LLP, to schedule a webinar on this subject. Ms. Jakubowski worked on the Association's ADA "Toolkit for Restaurant Operators" and is a member of the firm's disability law practice. The firm is one of the 100 largest law firms in the United States, with more than 550 legal professionals throughout 12 offices in Atlanta, Chicago, Delaware, Indiana, Los Angeles, Michigan, Minneapolis, Ohio and Washington, D.C.

Please contact Angelo Amador, Regulatory Counsel at the National Restaurant Association, at aamador@ restaurant.org or 202.331.5931, with any further questions.

Further resources:

1) Is Your Site Accessible? Americans with Disabilities Act and Internet Access

www.cairncross.com/eatdrinkshopstay/is-your-site-accessible-americans-with-disabilities-act-and-internet-access/

2) Look Out for Drive-By ADA Lawsuits: Are You Ready?

www.cairncross.com/eatdrinkshopstay/look-out-for-drive-by-ada-lawsuits-are-you-ready/

3) Accessible-ize Your Website

nwadacenter.org/factsheet/accessible-ize-your-website

4) Trends in Web Accessibility

adata.org/event/trends-web-accessibility





5) Website Accessibility Under Title II of the ADA

www.ada.gov/pcatoolkit/chap5toolkit.htm

6) Americans With Disabilities Act Toolkit (PDF)

http://imis.restaurant.org/store/detail.aspx?id=ADA12

Rev. 1/23/17



Cash Overages and Shortages

Handbook for Excellent Restaurant Operations

Shortages may not be deducted from the gross business income unless the business can demonstrate that the shortage was a result of an error in recording sales. Overages are assumed to be a part of the gross business income and must be reported as such.

Rev. 1/27/17



What are corkage fees?

Charges for customers to bring their own bottle of wine instead of purchasing the wine from the restaurant are typically called "corkage fees." These fees are not subject to retail sales tax. However, the fees are subject to B&O tax under the Service and Other Activities classification, available at the Department of Revenue website at http:// dor.wa.gov/content/fileandpaytaxes/beforeifile/def_txclassbando.aspx#0004

Rev. 1/27/17



LAWS & REGULATIONS: TIPS

Summary of Tip Laws

Handbook for Excellent Restaurant Operations

- 1. Tips are any gratuitous payment made by a customer to one who serves the customer. They include cash tips, credit or debit card tips, or tips by check.
- 2. If an owner retains any portion of owner-imposed service charges (such as mandatory tip amounts for large parties), the owner must notify customers on an itemized receipt, and the percentage of the charge that will be paid directly to the employee serving the customer must be stated in the menu. The portion of the service charge paid to the employee may be characterized as wages when distributed, rather than tips, but must be in addition to the employee's hourly wages. Customers must pay sales tax on service charges, and employees need not record receipt of service charges as a tip.
- 3. Tips are taxable income. All tips must be reported as wages on an employee's tax returns, and are subject to employment taxes and withholding.
- 4. An employer may deduct credit or debit card processing fees from tips paid by a customer to an employee by credit or debit card before remitting the tips to the employee. Only the tips actually received by the employee (i.e., after processing fees have been deducted) are taxable income to the employee.
- 5. Employers are required to keep records of charge receipts, tips reported by employees, gross receipts, charged tips and allocated tips.
- 6. Employees are also required to keep a record of their tips. IRS Form 4070A may be used to record tips each month. If employees do not keep a daily record of tips, they must keep other reliable proof, including copies of bills and credit card charge slips showing tips. If an employee participates in a tip pool and tips out to others, that employee should report only the tips he or she retains. Similarly, if an employee receives tipped-out amounts from a tip pool, that employee must record receipt of those amounts as tips.
- 7. If an employee does not keep records of his or her tips, the IRS may use other methods to determine income.
- 8. Tips must be reported to the employer if they exceed \$20 while working for any one employer in a calendar month. IRS Form 4070 may be used to report tips to an employer.
- 9. At a minimum, tips are required to be reported to the employer by the tenth day of the month following the month in which the tips are earned, or earlier if the employer requires. If the tenth day of the month is a weekend or legal holiday, employees should give their reports to their employers the following business day.
- 10. Employees are subject to a 50 percent penalty of the employee's share of FICA (social security and Medicare) tax for not reporting tips to the employer, unless the employee can show reasonable cause for not reporting tips.
- 11. If an employee does not report his or her tips to the employer, he or she must report the tips as taxable income on Federal Income Tax Return Form 1040 (not Form 1040A or 1040EZ) and file Form 4137 to pay the employee share of the FICA tax on the tips.
- 12. If tips are reported to the employer, the employer must withhold for FICA and Federal Income Tax, and pay FICA and FUTA tax. The withholdings for FICA and FUTA tax stop when per-employee maximums are reached.





- 13. The employer must file Form 8027 with the IRS if the employer operates a "large food and beverage" establishment." A large food and beverage establishment is one where:
 - Food and beverage is provided on the premises for consumption; and
 - Tipping is a customary practice; and
 - More than 10 employees who work more than 80 hours were normally employed on a typical business day during the preceding calendar year.
- 14. If the employer is required to file Form 8027, and they meet certain criteria, they may have to allocate tips. If the total tips reported by all employees are less than 8 percent of the employer's gross receipts, the employer must allocate the difference (unless the employer has requested a lower rate from the IRS, and the IRS grants the request). Under this scenario, the employer must divide the difference between the actual amount of tips reported by all employees and the amount equal to 8 percent of the employer's gross receipts. They must then distribute the funds among all employees who receive tips.

Employers may base the allocation on each employee's share of gross receipts, hours worked, or on a written agreement between the employer and the employees. These methods are outlined in more detail in the IRS Form 8027 instructions. The employer should show the amount allocated for each employee in Box 8, "Allocated Tips," on the employee's Form W-2. The employer should not withhold income, Social Security or Medicare taxes on allocated tips.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.

Rev. 1/2/18

TRAC

Handbook for Excellent Restaurant Operations

Requirements for Tip Reporting Alternative Commitment (TRAC)

1. Educate employees about tip reporting.

Estimated time commitment: Approximately one-half hour minimum, quarterly.

What does "educating" mean? Well, it doesn't mean having weekly seminars on the history of tips (unless you want to do this). You simply must emphasize four things to your employees:

- 1. Employees are obligated to report 100 percent of their tips.
- 2. Employees must keep records to substantiate their tipped earnings.
- 3. Fully reporting tips can benefit the employee (Social Security, loan applications).
- 4. The distinctions in reporting charge tips and cash tips.

EMPLOYERS will

- Educate employees about tips reporting
- Set up tip reporting procedures
- Comply with all tax obligations

IRS will

 Guarantee the IRS will not initiate a tip audit while a restaurant is under TRAC and in compliance.

How must you emphasize these things? That's your call. The IRS has been good about letting restaurants pick their own venue for employee education. Some members have simply stamped a stern message on the tipped employees' paycheck envelope saying: "THE IRS REQUIRES YOU TO REPORT ALL OF YOUR TIPS." Others have shown the National Restaurant Association's video regarding tips. Some have even had specific quarterly meetings reminding them of their reporting obligation. Whether elaborate or simple, the IRS just wants you to stress the four points listed above.

Washington Hospitality Association recommends that if you do sign TRAC, you may want to see if the IRS is available to do the first educational meeting. This will set the appropriate tone of the seriousness of tip reporting.

2. Set up tip reporting procedures

Estimated time: With a POS system that has each report category, one hour minimum, quarterly; Without a POS system, four hours minimum, quarterly.

Like it or not, signing the TRAC agreement is going to mean more paperwork. When asking yourself the question, "sign, or don't sign?" you should follow with the question: "Is doing the additional paperwork worth the savings of not paying past-due FICA on unreported tips?" Here are the specific things that you must do to comply.

- 1. Employer provides reports to directly tipped employees, at least once a month, showing:
 - Gross sales that are subject to tips.
 - Charge receipts with charged tips.
 - Total charged tips reported.
 - Total reported tips.
- 2. Employees complete the above report by filling in their cash tips received and tipouts. You need to compile this information for your 8027 form at the end of the year, anyway. Keep these reports for at least four years.
- 3. Establish a procedure for indirectly tipped employees to report their tips.





3. Comply with all tax obligations Estimated time: Additional time to comply is unlikely, since there are no new tax obligations.

Hopefully you are already in compliance on your tax responsibilities, and this obligation will not mean any additional headache for you. But just in case, the federal tax forms you should be sure to complete are:

- 1) Form 941, Employer's Quarterly Federal Tax Return
- 2) Form W-2, Wage and Tax Statement
- 3) Form 8027, Employer's Annual Information Return of Tip Income and Allocated Tips. Restaurants enrolled in TRAC must mail a copy of their 8027 form to their local IRS district.

EmTRAC Agreements

The IRS developed the EmTRAC Agreement program in response to employers in the food and beverage industry who expressed an interest in designing their own TRAC programs.

EmTRAC Agreements are available to employers in the food and beverage industry whose employees receive both cash and charged tips. The EmTRAC program retains many of the provisions in the TRAC agreement including:

- The employer must establish an educational program that trains employees that the law requires them to report all their cash and charged tips to their employer.
 - Education must be furnished for newly hired employees and quarterly for existing employees.
- The employer must establish tip reporting procedures under which a written or electronic statement is prepared and processed on a regular basis (no less than monthly), reflecting all tips for services attributable to each employee.

The EmTRAC program provides an employer with considerable latitude in designing its educational program and tip reporting procedures, which the employer may combine.

For additional information about EmTRAC Program Requirements and EmTRAC Approval Requests, see Notice 2001-1



Tip Pooling

Handbook for Excellent Restaurant Operations

The U.S. Department of Labor proposed on Dec. 4, 2017, a new rule that would allow tip pooling between front-of-house and back-of-house employees.

The proposed rule would clarify the Fair Labor Standards Act, or FLSA, to allow tip pools in some cases to include back-of-the-house workers that have long been prohibited from sharing in tips, including line cooks and dishwashers.

The proposed rule, however, would only apply to employers who pay a full minimum wage and do not take a tip credit. A number of states in the West do not allow a tip credit, including Washington.

In Washington because of I-1433, tips still will need to be distributed to employees regardless of what the new rule says about pooling practices. We are unsure of the impact to Washington or Seattle employers until there is a final rule.

As of this writing, the rule is in the midst of a comment period. The Washington Hospitality Association is closely monitoring the process, as the new rule is developed, and will keep you informed.

Rev. 1/9/18

LAWS & REGULATIONS: EMPLOYMENT

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the federal welfare reform law) and the Washington law RCW 26.23.040 require all employers to report all newly hired and rehired employees to the Washington Division of Child Support (DCS). Employers must also report employees who return to work after a furlough or leave without pay. Reports to the DCS must be submitted within 20 days of hiring, rehiring, or return to work. Employers must also include dates of hire.

You may already know about New Hire Reporting. The program helps collect child support, reduce dependence on welfare programs and improve detection of Unemployment and L&I claim fraud.

DCS prefers that employers submit their reports electronically at its New Hire website: www.dshs.wa.gov/newhire. The Internet reporting method provides documentation of your report by sending an emailed response to registered employers.

Division of Child Support (DCS)

NEW HIRE PROGRAM PO BOX 9023 OLYMPIA, WA 98507-9162

www.dshs.wa.gov/newhire

Phone: 800.562.0479 Fax: 800.782.0624 360.664.5210

If Internet reporting is not an option for your business, you may use W-4 forms, computerized lists, and magnetic media. Reports may also be faxed to 800.782.0624 or mailed to address at right.

I-9 forms are not acceptable.

All reports must contain the following information: employee's name, employee's address (include the nine-digit ZIP Code, if known), employee's birth date, employee's social security number, your business name, your business address (include your nine-digit ZIP Code) and your federal Employer ID number (FEIN).

Additional details about each reporting method and answers to frequently asked questions may be found on the New Hire website, or by calling DCS at 800.562.0479.

Medical Enrollment

If one of your employees is obligated by court order to provide health care coverage for a child, you may receive a National Medical Support Notice (NMSN) from DCS advising you of your employee's obligation. You are required to respond to this notice within 20 business days of the date on the notice. Additionally, you may be required to enroll the child identified in the NMSN in your health plan if he or she is eligible for coverage. The NMSN contains detailed instructions for both the employer and the insurance plan administrator. For more information, call the DCS Community Relations Unit at 800.591.2760, or visit the DCS employer website: www.dshs.wa.gov/dcs/employers/employers2.asp.

Division of Child Support (DCS) **NEW HIRE PROGRAM** PO BOX 9023 OLYMPIA, WA 98507-9162

www.dshs.wa.gov/newhire Phone: 800.562.0479 Fax: 360.664.5210

Rev. 1/29/14



Employee Work Authorization Verification

Handbook for Excellent Restaurant Operations

On March 1, 2003, the Immigration and Naturalization Service (INS) became part of the U.S. Department of Homeland Security (DHS) and its functions were divided into three agencies of that department. The U.S. Citizenship and Immigration Services (USCIS) is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration policies and priorities.

This change affects restaurant owners because the restaurant industry employs a greater number of foreign nationals than do many other businesses. While many foreign nationals are legally working in the U.S., businesses and business owners that have actual or constructive knowledge of a worker's lack of employment authorization or who do not comply with I-9 verification rules could be subject to penalties, fines, and even imprisonment. Restaurant owners must take the following steps to ensure that each employee is authorized to work in the U.S.

Complete an I-9 form for every new employee.

The purpose of the I-9 form is to verify and document that each new employee is authorized to work in the U.S. If your I-9 (Employment Eligibility Verification) forms are audited and the investigation turns up unauthorized workers on your staff, be on notice that you could very quickly, without warning, lose some of your employees.

Follow the proper procedures for completing the I-9 forms for every new employee. Check the documents submitted by an employee carefully for forgery, changes or duplication rather than original issue, and do not accept expired documents. When reviewing the submitted documents, ask yourself: does the document reasonably appear on its face to be genuine and relate to the person presenting it? You should not specify which document(s) an employee may present as this could be considered discriminatory. Detailed instructions for completing an I-9 form are available at: www.uscis.gov/files/form/m-274.pdf.

If your business is audited and there are errors or omissions on any I-9 forms, your business may be subject to fines or other penalties, even if the employees whose form contain the errors or omissions are legally authorized to work in the U.S.

Consider enrolling in DHS's E-Verify system.

The DHS offers a web-based verification system, called E-Verify, that confirms an employee's I-9 form and verifies work authorization in a matter of seconds. Although the I-9 form is mandatory, E-Verify is not, unless your business is located in a state that mandates use of E-Verify (Washington does not require use of E-Verify at this time) or you are a contractor with a federal contract that contains the FAR E-Verify clause. If you enroll in E-Verify, you must use it for all new hires—you may not use it selectively. If the E-Verify database is unable to immediately confirm a new employee's work authorization, it will provide steps to guide the employer and employee toward resolution. More information about E-Verify is available on DHS's website: www.dhs.gov/e-verify.

Consider verifying each new employee's Social Security Number.

After you have hired a new employee, you can verify his or her Social Security Number (SSN) by using the on-line Social Security Number Verification Service (SSNVS) or Telephone Number Employer Verification service (TNEV) provided by the Social Security Administration (SSA). Information about registering for SSNVS and TNEV is available at the SSA's website: www.ssa.gov/employer. The SSA will verify that the employee's SSN matches a name/SSN combination in its database.

Rev. 03/09/12





Please note that SSNVS and TNEV does not provide information about immigration status or work authorization and that you may not request a copy of the employee's Social Security card. Also, please note that if you choose to use SSNVS or TNEV, you should do so for all new employees who are hired after you put this practice into place; you should not use it selectively. If you do institute this practice and you receive a response from the SSA that the information provided about an employee does not match the information contained in the SSA's database, you should follow the "no-match" letter process outlined below.

Address Social Security Number "no-matches" promptly and appropriately.

You may discover that the SSN provided by the employee does not match a name/SSN combination in the SSA's records. You may learn of the discrepancy through your use of SSNVS or TNEV. If you do not use those services, you may find out later, upon receipt of a "no-match" letter from the SSA.

There are several reasons why an employee's SSN could result in a no-match. You should not assume that an employee who triggers a no-match is not authorized to work, nor should you treat a no-match as a reason to immediately terminate, take other adverse action, or re-verify an employee's I-9 form. Taking any adverse action against an employee on the assumption that a no-match letter means the employee is not authorized to work could violate federal anti-discrimination laws. Rather, you should review your records and respond to SSA as requested in the no-match letter. You should also inform the employee of the no-match letter, ask the employee to confirm the information reflected in your personnel records, advise the employee to contact the SSA to correct and/or update his or her SSA records, and give the employee a reasonable period of time to address the no-match letter. Additionally, you should follow the same procedures for all employees who trigger a no-match letter, regardless of citizenship status or national origin.

If the employee who triggers a no-match letter does not take corrective action within a reasonable time, you should give him or her a final warning and a specified period of time by which the no-match must be remedied. If the employee still fails to correct the no-match within the specified time, termination for insubordination may be warranted.

Contact the appropriate agency if you have additional questions.

USCIS 800.375.5283 800.767.1833 (TDD)

Toll Free Forms Line: 800.870.3676

Bulk Orders (over 200 forms): 202.512.1800

Social Security Administration General Hotline: 800.772.1213

Regional Employer Services – Washington: 206.615.2125

Rev. 1/29/13



Minimum Wage

Handbook for Excellent Restaurant Operations

There are currently five minimum wages in Washington state:

State Minimum Wage

Due to the passage of Initiative 1433, in Nov. 2016, the state minimum wage:

- Increased to \$11 per hour in 2017.
- It will increase to \$11.50 per hour in 2018, \$12 per hour in 2019 and to \$13.50 per hour in 2020. Starting on Jan. 1, 2021, minimum wage increases will be calculated by L&I using a formula tied to the rate of inflation based on the Consumer Price Index.
- Initiative 1433 reinforces that tips and service charges cannot be counted towards meeting minimum wage requirements.
- Under Initiative 1433, local minimum wage ordinances will continue to remain in effect.
- If you have questions for the state about the state minimum wage, contact L&I's Wage and Hour Division at 866.219.7321 or email esgeneral@lni.wa.gov.
- For general information on state administrative policies, visit http://lni.wa.gov/WorkplaceRights/Rules/Policies/default.asp.
- If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.

SeaTac Minimum Wage

- Currently \$15.64 (adjusted annually)
- SeaTac minimum wage is adjusted annually based on changes in inflation as measured by the Consumer Price Index (CPI-W).
- The minimum wage is for certain hospitality and transportation workers in and near the Seattle-Tacoma International Airport.
- Including: "Hospitality Employer" means a person who operates within the City any Hotel that has one hundred (100) or more guest rooms and thirty (30) or more workers or who operates any institutional foodservice or retail operation employing ten (10) or more non-managerial, nonsupervisory employees. This shall include any person who employs others providing services for customers on the aforementioned premises, such as a temporary agency or subcontractor."

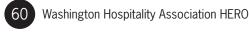
Tacoma Minimum Wage

For more detail, see Tacoma Minimum Wage Guide at http://wahospitality.org/blog/tacoma-minimum-wage-survival-guide/

- 11/4/15 Tacoma voters approved a \$12 city minimum wage phased in over two years
- \$10.35 per hour on Feb. 1, 2016
- \$11.15 per hour on Jan. 1, 2017
- \$12 per hour on Jan. 1, 2018
- Adjusted annually by the rate of inflation beginning Jan. 1, 2019

Seattle Minimum Wage

For more detail, see Seattle Minimum Wage Guide at http://wahospitality.org/blog/minimum-wage-seattle-ordinance-and-more/







Seattle Large Employer Schedule 1 (500 or more employees in U.S.) Minimum Wage

As of Jan. 1, 2018, the City of Seattle's minimum wage for large employers is \$15.45 or \$15.00 per hour with medical benefits provided.

Large employers can meet this requirement in two ways:

- Pay hourly minimum wage; or
- Pay reduced hourly minimum wage if the employer makes payments toward an employee's silver level medical benefits plan.

1. Hourly Rate

Large employers who do not pay towards an employee's medical benefits plan pay hourly minimum wage based on the following schedule:

Minimum Wage

2016 (Jan. 1) \$13.00/hour 2017 (Jan. 1) \$15.00/hour 2018 (Jan. 1) \$15.45/hour

2. Medical Benefits

Large employers who do make payments toward an employee's medical benefits plan pay a reduced minimum wage based on the following schedule:

Minimum Wage

2016 (Jan. 1) \$12.50/hour 2017 (Jan. 1) \$13.50/hour 2018 (Jan. 1) \$15.00/hour

On Jan. 1, 2019, payments toward medical benefits will no longer impact employees' minimum wage. In subsequent years, the City of Seattle will calculate percentage changes to the minimum wage based on the Consumer Price Index (CPI).

Seattle Small Employer Schedule 2 (500 or fewer employees in U.S.) Minimum Wage

For small employers, the City of Seattle's \$15.00/hour wage will be phased in over the next 5–7 years.

All small Seattle employers are required to pay minimum compensation. Small employers can meet this requirement in two ways:

- Pay hourly minimum compensation rate; or
- Pay hourly minimum wage and make up the balance with employee tips reported to the IRS and/or payments toward an employee's medical benefits plan.



Minimum Wage

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1. Hourly Rate

Small employers pay hourly minimum compensation rate based on the following schedule:

Minimum Compensation

2016 (Jan. 1) \$12.00/hour 2017 (Jan. 1) \$13.00/hour 2018 (Jan. 1) \$14.00/hour 2019 (Jan. 1) \$15.00/hour

2. Tips and/or Medical Benefits

Small employers pay an hourly minimum wage and reach the minimum compensation rate through employee tips reported to the IRS and/or payments toward an employee's medical benefits plan. If the tips and/or payments toward medical benefits do not add-up to the minimum compensation rate, the small employer makes up the difference.

| Minimum Cor | Minimum Wage | |
|---------------|--------------|--------------|
| 2016 (Jan. 1) | \$12.00/hour | \$10.50/hour |
| 2017 (Jan. 1) | \$13.00/hour | \$11.00/hour |
| 2018 (Jan. 1) | \$14.00/hour | \$11.50/hour |
| 2019 (Jan. 1) | \$15.00/hour | \$12.00/hour |
| 2020 (Jan. 1) | TBD | \$13.50/hour |
| 2021 (Jan. 1) | TBD | \$15.00/hour |

In 2025, small employers will pay the same minimum wage rate as large employers and will no longer count employee tips and/or payments toward an employee's medical benefit plan toward minimum compensation. The City of Seattle will calculate percentage changes to the minimum wage based on the Consumer Price Index (CPI).

For more information on Seattle's Minimum Wage Ordinance, see https://www.seattle.gov/laborstandards/ordinances/minimum-wage

Rev. 1/16/18





Background Information

In Nov. 2016, Initiative 1433 was passed by Washington voters and has been included in Chapter 49.46 RCW Minimum Wage Requirements and Labor Standards. Initiative 1433 incrementally increases the minimum wage, directs employers to convey tips and service charges to appropriate employees where applicable, prohibits retaliation and requires employers to provide their employees with paid sick leave beginning Jan. 1, 2018.

Implementing a Paid Sick Leave Policy for Your Company

- An employer must create a paid sick leave policy to develop consistent workplace practices and communicate the new requirements to employees. An employer must create a paid sick leave policy if it chooses to require reasonable notice for the use of paid sick leave or request verification for absences exceeding three days in their paid sick leave policy.
- An employer must also develop a written policy if it implements a shared leave program for its employees, frontloads paid sick leave to employees (i.e., provide employees access to paid sick leave before it has accrued), chooses a different accrual year (other than Jan. 1 through Dec. 31), or creates a paid time off (PTO) program for its employees. A collective bargaining agreement can also satisfy the requirement for a written policy for any of these practices.
- An employer's paid sick leave program must meet or exceed the provisions of the new paid sick leave law, including those contained in RCW 49.46.200, 49.46.210, and all applicable paid sick leave rules (WAC 296-128). This section is intended for guidance purposes only, and does not outline all the minimum paid sick leave requirements set forth in the paid sick leave laws. Additionally, employers with employees who work in cities that have a minimum wage and paid sick leave ordinance (Seattle, Tacoma, and SeaTac) will need to apply the standards of such ordinances that are more favorable to employees. Please note that Spokane's paid sick leave ordinance sunset on Dec. 31, 2017.
- For a comparison between the state program and those in SeaTac, Seattle and Tacoma, see the chart following this article.

Paid Sick Leave Accrual and Availability

- Employees must accrue at least one hour of paid sick leave for every 40 hours worked. An employer may provide an employee with a more generous leave, including a higher rate of sick leave accrual.
- For employees already employed on or before Jan. 1, 2018, paid sick leave will accrue for all hours worked beginning on Jan. 1, 2018. Employees hired after Jan. 1, 2018 will begin accruing paid sick leave as soon as they begin working.
- Beginning on the 90th calendar day after the commencement of employment, employers must make accrued paid sick leave available to employees for use in a manner consistent with the employer's established payment interval or leave records management system, not to exceed one month after the date of accrual.

Paid Sick Leave Usage

- An employer must allow an employee to use paid sick leave for the following reasons:
 - o An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
 - o To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care:



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- o When the employee's place of business has been closed by order of a public official for any healthrelated reason, or when an employee's child's school or place of care has been closed for such a reason; and
- o For absences that qualify for leave under the state's Domestic Violence Leave Act (DVLA). For more information, please see L&I's overview of the DVLA at http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/DomViolence/default.asp
- Who is a covered "family member"?
 - o A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status:
 - o A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
 - o A spouse;
 - o A registered domestic partner;
 - o A grandparent;
 - o A grandchild; or
 - o A sibling.
- What increments of use must an employer provide to its employees?
 - o Employers must allow employees to use paid sick leave in increments consistent with the employer's payroll system and practices, not to exceed one hour.
 - o For example, if an employer's normal practice is to track increments of work for the purposes of compensation in 15-minute increments, then an employer must allow employees to use paid sick leave in 15-minute increments.
 - o L&I may grant a variance from the increments of paid sick leave usage required by WAC 296-128-630(4) for "good cause," which allows an employer to provide a higher increment of use. The employer must file a written application to establish "good cause."
 - o "Good cause" means situations where an employer can establish that compliance with the requirements for increments of use are infeasible, and that granting a variance does not have a significant harmful effect on the health, safety, and welfare of the involved employees. The existence of a collective bargaining agreement which sets forth increments of use may be used as a factor in determining good cause for granting a variance.

Rate of Pay for Use of Paid Sick Leave

- Employees must be paid their "normal hourly compensation" for each hour of paid sick leave used. "Normal hourly compensation" is "the hourly rate that an employee would have earned for the time during which the employee used paid sick leave."
- An employer must calculate an employee's normal hourly compensation using a reasonable calculation based on the hourly rate that an employee would have earned for the time during which the employee used paid sick leave.





- Normal hourly compensation does not include tips, gratuities, service charges, holiday pay, or other premium rates, unless the employer or a collective bargaining agreement allows for such considerations. However, if an employee's normal hourly compensation is a different rate paid for the same work performed under differing conditions (e.g., a night shift), this differential rate is not considered a premium rate and must be included.
- For employees who use paid sick leave for hours that would have been overtime hours if worked, employers are not required to apply overtime standards to an employee's normal hourly compensation.

Accrual Year

- The default accrual year is a calendar year Jan. 1 Dec. 31, However, an employer may adopt a different fixed consecutive twelve-month period by an employer policy or collective bargaining agreement.
- Examples of other accrual years include a fiscal year, a benefit year, an employment year, or any other fixed consecutive 12-month period used in the ordinary course of the employer's business for calculating wages and benefits.

Carry Over of Accrued, Unused Paid Sick Leave

- Accrued, unused paid sick leave balances of 40 hours or less must carry over to the following year. Employers may offer a more generous carry over policy.
- If an employee carries over unused paid sick leave to the following year, accrual of paid sick leave in the subsequent year would be in addition to the hours accrued in the previous year and carried over.

Reimbursement for Sick Leave Upon Separation of an Employee

- An employer may choose whether to provide a financial or other reimbursement to the employee for accrued, unused paid sick leave balances available at the time of separation.
- If an employer chooses to reimburse an employee for any portion of their accrued, unused paid sick leave at the time the employee separates from employment, any such terms for reimbursement must be mutually agreed upon in writing by both the employer and the employee, unless the right to such reimbursement is set forth elsewhere in state law or through a collective bargaining agreement.

Rehire of an Employee Within 12 Months of Separation

- An employer must reinstate the employee's previously accrued, unused paid sick leave, if it rehires an employee within 12 months of separation.
- An employer is not required to reinstate any hours of paid sick leave previously provided to the employee through financial or other reimbursement at the time of separation if the value of the paid sick leave was paid at a rate that was at least equal to the employee's normal hourly compensation.
- Upon rehire, an employer must provide notification to the employee of the amount of accrued, unused paid sick leave available for use by the employee.

Retaliation Prohibited by Law

 An employer may not adopt or enforce any policy that counts the use of paid sick leave for the purposes authorized under RCW 49.46.210(1)(b) and (c) as an absence that may lead to or result in discipline against an employee.



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• It is also unlawful for an employer to interfere with, restrain, or deny the exercise of any employee right provided under or in connection with the Minimum Wage Act (chapter 49.46 RCW). This means an employer may not use an employee's exercise of any of the rights provided under the Minimum Wage Act as a negative factor in any employment action such as evaluation, promotion, or termination, or otherwise subject an employee to discipline for the exercise of any rights provided under the Minimum Wage Act.

Notification Requirements

Employers must provide a one-time notification to each employee of their paid sick leave rights.

L&I, in consultation with employee and employer representatives, has developed an Employee Paid Sick Leave Notification form. Using this form meets the department's standard for compliance with these rules. See this form at the end of this article.

An Employee Paid Sick Leave Notification must include:

- Their entitlement to paid sick leave;
- The rate at which the employee will accrue paid sick leave;
- The authorized purposes under which paid sick leave may be used; and
- That retaliation by the employer for the employee's lawful use of paid sick leave and other rights provided under the Minimum Wage Act (chapter 49.46 RCW), and all applicable rules, is prohibited.

Employers must provide such notification in written or electronic form, and must make this information readily available to all employees.

Employers must provide this notification to employees by the dates below:

| Employee Status | Date Written or Electronic Notification Due to Employee | | |
|--|---|--|--|
| NEW Hired on or after Jan. 1, 2018 | No later than the commencement of employment | | |
| Existing (Already working for employer before Jan. 1, 2018) | No later than March 1, 2018 | | |

Not Less Than Monthly Notification

- At least once a month, an employer must provide a notification to its employees which details:
- The amount of paid sick leave accrued since notification was last made;
- The amount of paid sick leave reductions since notification was last made; and
- The total amount of unused paid sick leave available for use by the employee.
- Employers may satisfy these notification requirements by providing this information in regular payroll statements.
- For an employer that chooses to frontload an employee's paid sick leave, please see the requirements set forth in WAC 296-128-760(2)(b).





Payroll and Recordkeeping Requirements

Payroll

The employer must pay paid sick leave to an employee no later than the payday for the pay period in which the paid sick leave was used by the employee, unless it requests verification for an absence exceeding three days. However, an employer must have a verification policy in place before it asks for verification.

If verification is required by the employer, paid sick leave must be paid to the employee no later than the payday for the pay period during which verification is provided to the employer by the employee.

Required Records

Employers with employees covered by the Minimum Wage Act are required to keep and preserve the Required Payroll Records, in addition to the following new paid sick leave requirements:

- Paid sick leave accruals each month, and any unused paid sick leave available for use by an employee;
- Paid sick leave reductions each month including, but not limited to: paid sick leave used by an employee; paid sick leave donated to a co-worker through a shared leave program; and, paid sick leave carried over to the following year.
- The date of commencement of the employee's employment.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.

I-1433: PAID SICK LEAVE FREQUENTLY ASKED QUESTIONS

These frequently asked questions are a starting point to help answer some of your basic questions. If you have any additional, more in-depth questions, please consult an employment attorney.

1. How do I even do this?

- With the Washington Hospitality Association's Paid Sick Leave Toolkit, you are starting in the right place. The links provided in the toolkit offer a good place to start.
- For further consultation, policy design or review, and detailed questions please contact an employment lawyer.

2. Is Paid Sick Leave different than vacation leave?

- Yes. Paid sick leave is different than vacation or personal time off.
- Caveat: An employer may choose to have "one bucket" of paid time off and combine paid sick leave with vacation; however, such a policy still must comply with the paid sick leave law and all of its rules, such as an accrual rate of at least 1 hour of paid sick leave for every 40 hours worked, allowing at least 40 hours to be carried over, and no annual cap on use or accrual.
- For additional questions about combining leave, contact an employment lawyer or the Advisory Network for more detailed information.

3. Does the new paid sick leave law apply to all sizes of businesses?

• Yes. Paid sick leave applies to all businesses operating in Washington regardless of size or the number of employees.



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4. Are there any exemptions based on gross annual revenue or employee count?

• No. There are no exemptions for any businesses under I-1433.

5. Is it just for businesses with more than 50 employees?

No.

6. Do I need to offer paid sick leave to my salaried employees?

- That depends. You must offer paid sick leave to your salaried employees at a rate of at least one hour for every 40 hours worked unless they are specifically exempt from the new law. Types of workers who are exempt from paid sick leave under the law include:
 - o Any individual employed in a bona fide executive, administrative, or professional capacity, or employed as an outside salesperson. (In other words, if the employee meets one of these fact specific legal tests for Washington's overtime pay exemption.)
 - o Any individual employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been and is recognized as paid on a piece rate basis, who commutes from their private residence to the farm where they are employed, and who has been employed in agriculture less than 13 weeks during the preceding calendar year.
 - o Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession
 - o Additional definitions of the exemptions may be found here (RCW 49.46.010)

7. When must I let employees use their accrued paid sick or safe leave?

- The waiting period can be no more than 90 days of continuous employment. This includes employees who may have started work before Jan. 1, 2018. Employers may adopt a shorter waiting period if they choose.
- Paid Sick and Safe Leave accrual must begin on Jan. 1, 2018, or the date of hire for all eligible employees at the rate of one hour for every 40 hours worked.

8. Would employees who have already been in employment for 90 days prior to Jan. 1, 2018 have to wait 90 days to use their paid sick leave?

• No. If an employee has been employed for more than 90 days prior to Jan. 1, 2018, they may use paid sick leave as soon as they have accrued it.

9. What if an employee wants to use leave before they have accrued enough time to cover their entire shift?

- An employee is only entitled to use paid sick leave for the length of their scheduled shift, and only up to the amount of paid leave already accrued.
- Example: Employee A has worked for a restaurant since Aug. 2017 (i.e., for more than 90 days). The first week of Jan. 2018, she works 40 hours and thus accrue one hour of paid sick leave. The next week, Employee A gets sick and calls out for her eight hour shift. The employer would pay Employee A for the one hour of paid sick leave she has accrued, and the other seven hours of the shift would be unpaid.
- An employer could choose to allow employees to go negative in their paid sick leave bank, however, this
 can raise other legal issues. For example, Washington has rules regarding paycheck deductions for a
 negative PTO balance that might be triggered.





10. How must employers track paid sick and safe leave?

- Employers must allow paid sick leave to be used in whatever increment they track time worked on payroll system, not to exceed one hour.
- Example 1: If an employer's normal practice is to track increments of work for the purposes of compensation in fifteen-minute increments, then an employer must allow employees to use paid sick leave in fifteen-minute increments.
- Example 2: If an employer tracks payroll by the minute, and an employee is 20 minutes late for covered sick leave reasons, they may use 20 minutes paid sick leave if available.
- Caveat: There are also wage-hour rules about how much you can round up or down time worked. If you have additional questions about your rounding practices, contact an employment lawyer for clarification.

11. Can I frontload?

• Yes, but an employer can only frontload in advance of the accrual, and the amount must be equivalent to what the employee otherwise would have accrued at the rate of 1 hour for every 40 hours worked. The policy must also meet all the other requirements in the law. We suggest you work with an employment lawyer if you want to adopt a frontloading policy.

12. What happens to the accrued time when an employee quits or gets terminated?

• Employers must state what will happen to unused leave at separation of employment in their written policy. If you do not include these provisions in your policy, the default is that you must pay out the paid sick leave when the employee leaves employment.

13. Can I pay out my employee's paid sick leave every pay period instead of letting it accrue and build up?

 No. The only pay out that is allowed is (1) if you choose to (or may be required to under SeaTac's law) pay out unused accrued hours at the end of the year that exceed the minimum 40 hour carry over, or (2) you choose to pay out unused accrued hours at separation of employment.

14. What do I do if I rehire an employee within 12 months? How does paid sick leave work?

- If you rehire an employee within 12 months and did not cash out his paid sick leave balance at the time of termination, you must reinstate the amount of paid sick leave he had accrued before he left. The leave may be used immediately if he had been previously employed for at least 90 days.
- Example: Employee B was hired in Jan. 2018. She worked full-time and accrued 20 hours of paid sick leave by the time she left employment in June. Employee B was not cashed out of her paid sick leave balance when she left. Employee B was rehired in Feb. 2019 and her previously accrued 20 hours of paid sick leave is reinstated. The paid sick leave is available to use right away because Employee B has already been employed for over 90 days.

15. For tipped employees, do tips count towards the rate of paid time off?

• No. For each hour of paid sick leave used, an employee must be paid the greater of the applicable minimum hourly wage or their "normal hourly compensation." An employer must calculate an employee's normal hourly compensation using a reasonable calculation based on the hourly rate that an employee would have earned for the time during which the employee used paid sick leave. However, tips are not included.



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• For employees who are paid other than hourly, such as piece rate or commissioned, the calculations are more complex. For example, for an employee paid partially or wholly on a commission basis, it would be acceptable to divide their total earnings by the total hours worked in the full pay periods in the prior 90 days of employment to arrive at their "normal hourly compensation."

16. Can an employer request a doctor's note to prove illness?

- Yes, but an employer must have a written policy stating so. The employer also cannot require a doctor's note unless an employee has missed three consecutive scheduled days of work.
- An employer-required verification also may not result in an unreasonable burden or expense on the employee.
- There are different rules for survivors of sexual assault or domestic violence.
- Example: Employee C is scheduled to work Monday, Wednesday and Friday. If Employee C calls out sick for their Monday, Wednesday and Friday shifts, the employer may not require verification of the illness until Employee C calls out the following Monday.

17. Is there a cap on annual accrual or annual use?

- No. There is no cap on annual accrual. There is also no cap on the annual use of accrued hours
- The minimum amount of leave that may be carried over per year is up to 40 hours.
- Seattle has also recently removed the cap on accrual and use to comply with state law.

18. With the Spokane Sick and Safe sunsetting, do employers have to roll over hours from last year with new law?

- Everyone must follow old the Spokane law until Dec. 31.
- Yes Employers must roll over the hours earned from Dec. 31.
- Employers must follow any current policy.
- Hours rolled over under the Spokane law cannot be used to meet a frontloading policy under the new Washington law. These are counted as extra hours.

19. Seattle, Tacoma and SeaTac have more generous paid sick leave policies. Which do I need to follow?

- If the local jurisdiction has a more generous paid sick leave policy than the state policy, you must follow the local paid sick leave policy if it is more generous than the state policy.
- For a comparison of the paid leave policies, in SeaTac, Seattle and Tacoma with the state's paid leave program, see the chart at the end of this section.

20. Can an employer delay a paycheck when paid sick leave is used?

No. An employer must pay sick leave during the same pay period of when the paid sick leave is used.

21. Does an employee need to request that they want to use their accrued hours either verbally or in writing?

- No. It is sufficient for an employee to call out sick.
- Employers also cannot require employees to find a replacement for their shift or to swap shifts.





• Example: If Employee D calls out sick on Thursday, and has paid sick leave available, the employer should pay the employee any available paid sick leave hours in their paycheck for equivalent to the scheduled shift period and deduct that amount from their paid sick leave bank.

22. Do we have examples of record keeping?

- No. Under the law, all employers must keep and preserve the required payroll records in addition to:
 - o Paid sick leave accruals each month, and any unused paid sick leave available for use by an employee;
 - o Paid sick leave reductions each month including, but not limited to: paid sick leave used by an employee; paid sick leave donated to a co-worker through a shared leave program; and, paid sick leave carried over to the following year.
 - o The date of commencement of the employee's employment.
- For additional information about record keeping, contact your bookkeeper or accountant.

23. If I have a more generous paid sick and safe leave accrual do I need to do anything?

- Yes. The law includes additional employee notification requirements.
- Although accrual of paid sick leave begins Jan. 1, 2018 and states that a formal policy must be given to employees by March 1, 2018, it does not mean you can or should wait to implement and notify your employees of the paid sick leave policies. It is better to provide your employees with your paid sick leave policy as soon as possible.

Rev. 1/16/18



Paid Sick Leave

Handbook for Excellent Restaurant Operations

Paid Sick & Safe Leave Comparison Chart†

| | State-Wide I-1433 | Seattle* | Tacoma** | SeaTac*** |
|---------------------------------|--|--|---|---|
| Worker Eligibility | All employees working in the state of Washington, including part-time and seasonal employees, except those who qualify as "exempt" under Washington's Minimum Wage and Overtime laws (i.e. "administrative," "executive," "professional," "computer professionals," and "outside sales" employees who meet the salary-basis threshold for exemption). The law applies to all employers, regardless of size or industry. | Any FT, PT, seasonal or temp worker that regularly works within City. Occasional basis employees who 240+ hours in a benefit year. Additionally, the Seattle Office of Labor Standards is currently considering an amendment that would expand the state-wide requirements to all employees in Seattle, regardless of "exempt" status. The new changes may further affect the "occasional basis" standard for those covered by Seattle's ordinance. | Any full-time, part- time, seasonal or temp worker that the employer reasonably expects will work within the City 80+ hours per year. Once qualified, they remain eligible through the next benefit year. | Any qualified hospitality/ transportation employee working in SeaTac. |
| Definition of "Benefit Year" | Employer can define. | Employer can define, as long as set forth in writing. | Employer can define. | Calendar year. |
| Accrual Rate | 1hr/40 worked | Depends on tier size: Tier 1 and 2 earn 1hr/40worked. Tier 3 earns 1hr/30worked. | 1hr/40worked | 1hr/40worked |



| | State-Wide I-1433 | Seattle* | Tacoma** | SeaTac*** |
|----------------------------|---|---|---|--|
| Annual Accrual/Use Cap | None. This requirement supersedes all other ordinances that provide for an accrual or usage cap. | Depends on tier size: Tier 1: 40 hrs Tier 2: 56 hrs Tier 3: 72 hrs (108 if using universal PTO) Effective Jan 1, 2018: the ordinance will not provide for any accrual or use cap. | 24 hours (but can use up to 40 if carried over from previous year). Effective Jan 1, 2018: the ordinance does not provide for any accrual or use cap. | None. |
| Carry Over Requirements | 40 hours | Depends on tier size: Tier 1: 40 hrs Tier 2: 56 hrs Tier 3: 72 hrs (108 if using universal PTO) | 24 hours Effective Jan 1, 2018: the ordinance requires carryover of at least 40 hrs. | All accrued PSST must be paid out at the end of each calendar year. |
| Allows Front Loading: | Yes, but employers must track hours worked to ensure that frontloaded hours meet minimum accrual requirements and must allow carryover. | Yes. | Yes. | Not specified, but effectively, No. |
| Minimum Increments of Use | Increments consistent with normal payroll practices for compensating employees, not to exceed 1 hour. | If feasible, must allow to use in .25 increments; otherwise, 1 hour. Effective Jan 1, 2018, must allow for smaller increments if normal payroll practices use smaller than .25 increments. | 1-hour increments (competing provisions state that can increase to blocks of 4 hours, so long as complies with FLSA requirements). Effective Jan 1, 2018, must allow for smaller increments. | Unspecified. |



Paid Sick Leave

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| | State-Wide I-1433 | Seattle* | Tacoma** | SeaTac*** |
|---|--|---|--|--|
| Required Pay Out at Termination | No. | No. | No. | Unspecified, but probably. Must pay out all unused leave at the end of each calendar year. |
| Reinstatement of PSST for Returning Employees | Must reinstate accrued PSST if returns in 12-months. | Must reinstate accrued PSST if returns within 7 months. Effective Jan. 1, 2018, must reinstate if returns within 12 months. | Must reinstate accrued PSST if returns within 6 months. Effective Jan. 1, 2018, must reinstate if returns within 12 months. | Unspecified. |
| Probationary Period | Accrual begins immediately, but can begin using of accrued PSST on 90th day of employment. | Accrual begins immediately, but can require employees to complete 180-day period before use. | Accrual begins immediately, but can require employees to complete 180-day period before use. | None: may begin use as soon as accrued. |
| | | Effective Jan 1, 2018: ordinance requires maximum of a 90-day period. | Effective Jan 1, 2018: ordinance requires maximum of a 90-day period. | |
| Definition of "Family Members" Covered | For "sick" leave: Child Parent Parent-in-law Spouse Registered domestic partner Grandparent Grandchild Sibling | Child, grandparent, parent, parent, parent-in-law, spouse. Effective Jan 1, 2018: ordinance will expand "family member" definition to include those covered by statelaw. | Child, grandparent, parent, spouse. Effective Jan 1, 2018: ordinance will expand "family member" definition to include those covered by statelaw. | Undefined. |
| | For "safe" leave: Child Parent Parent-in-law Spouse Grandparent Person with whom the employee has a dating relationship | | | |



| | State-Wide I-1433 | Seattle* | Tacoma** | SeaTac*** |
|---|--|---|---|---|
| Includes Bereavement | No. | No. | Yes. | No. |
| Rate of Pay Calculation | Paid at the employee's "normal hourly compensation," which is defined as the hourly rate that an employee would have earned for the time during which the employee used the paid sick leave. It does include commissions. This does not include tips, gratuities, service charges, holiday pay, or other premium rates. | Paid at regular hourly rate of pay except not required to include tips or commissions. Effective Jan 1, 2018: the ordinance will expand to include commissions. | Includes only hourly wage (or minimum wage, whichever greater) Does not include tips, bonuses, commissions. Fluctuating rate of pay: use weighted average. "Outside salespersons" = weighted average | Vague; "worker shall be paid his/her normal hourly compensation for each compensated hour off." "Compensation" defined as including wages, tips, bonuses, and other payments reported as taxable income. |
| Posting Requirements | Washington Department of Labor & Industries Poster available here: http://www.lni.wa.gov/ IPUB/700-074-909.pdf | Seattle Poster available here: http://www.seattle. gov/laborstandards/ publications | Tacoma Poster available here: http://www. cityoftacoma. org/cms/One. aspx?portalld= 169&pageId=87935 | None. |
| Documentation/ Employer Enforcement | Can require employees to 10 days provide notice where need for leave is foreseeable, so long as this policy is consistent with other policies for requesting leave. If absent 3+ consecutive days, can require medical documentation. All verification policies must be provided in writing. | Can require employees to 10 days provide notice where need for leave is foreseeable. If absent 3+ consecutive days, can require medical documentation. Cannot require more notice time than required by other leave policies. All verification policies must be provided in writing. | Must accept employee's own signed statement as adequate documentation. Cannot require more notice time than required by other leave policies. Cannot require more than 10 days advanced notice. All verification policies must be provided in writing. | Cannot require any kind of verification. |



Paid Sick Leave

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| | State-Wide I-1433 | Seattle* | Tacoma** | SeaTac*** |
|--|---------------------------|--|--|--|
| Certification of Compliance with City | None. | None. | Yes. Every time you renew your business license, you must certify compliance with the ordinance. | None. |
| Retaliation Provisions | Yes. RCW 49.49.210(4). | Yes, plus 90-day presumption of retaliation provision. SMC 16.16.055 | Yes. TMC 18.10.040 | Yes. SMC 7.45.020(C); SMC 7.45.090 |
| Private Right of Action | Yes. | Yes. | No. | Yes. |
| Record Retention | 3 years. | 3 years. | 3 years. | 2 years. |
| Confidentiality Requirements | Yes. WAC 296-128-660(3). | Yes. SMC 14.16.035 | Yes. TMC 18.10.060(B). | None. |
| Waivable? | No. | Only by bona fide CBA until December 31, 2018 only for those provisions that are more generous than the statewide laws. Thereafter, no waivers of PSST provisions are permitted. | Only by bona fide CBA. Effective Jan 1, 2018: No. | Only by bona fide CBA. |



Paid Sick & Safe Leave Comparison Chart†

| | State-Wide I-1433 | Seattle* | Tacoma** | SeaTac*** |
|-----------------------|-------------------|---|----------|---|
| Misc. Requirements | | Must provide employees with advanced notice of defined "Benefit Year" used for calculating PSST; tier size, rate of accrual, use and carry over policies, and manner of providing notice to employee each time they are paid; and notification requirements for taking the PSST. Must provide notice of available PSST every time the employee is paid (e.g. on paystubs). | | Must pay out all unused leave at the end of each calendar year. |

^{*}Seattle's Office of Labor Standards is currently considering proposed amendments its Paid Sick & Safe Time Ordinance, and is anticipated to pass as drafted. The requirements described in this table reflect those proposed amendments.

†Other Considerations:

The gray highlighted boxes indicate where the local ordinance provides additional requirements beyond those required by state law.

Spokane's Paid Sick & Safe Leave ordinance expires on December 31, 2017, in light of the new state-wide policy.

Note that Federal Contractors are also subject to Executive Order 13706, which requires that Federal Contractors provide 7 days of paid sick leave each year to covered employees. More details can be found here: https://www. dol.gov/whd/govcontracts/eo13706/.

^{**}Tacoma's City Council amended the Paid Sick & Safe Leave Ordinance to match the state's requirements regarding accrual and use caps, carryover requirements, and the waiting period for new employees to begin using

^{***}SeaTac Ordinance applies only to defined Hospitality and Transportation employers. Several other requirements (minimum wage, right to hours, etc.) must be observed under this law.



Employee Paid Sick Leave Notification

Handbook for Excellent Restaurant Operations

Employee Paid Sick Leave Notification

You are entitled to accrue paid sick leave beginning January 1, 2018 [or for employees hired after January 1, 2018, insert date of start of employment here]. This leave will accrue at one (1) hour of paid sick leave for every 40 hours you work.

You may use this accrued paid sick leave for the following reasons (as outlined at RCW 49.46.210(1)(b) and (c)):

- To care for yourself or a family member;
- When you or a family member is the victim of sexual assault, domestic violence, or stalking; and
- In the event our business or your child's school or place of care is closed by order of a public official for any health-related reason

| related reason. | | | |
|--|--|---|--------|
| | accrual year is | to | |
| Company Name | | | |
| Accrued, unused paid sick leave b | alances of 40 hours or less will be carried or | ver to the following year. | |
| Accrued, unused paid sick leave of | ver 40 hours will be | | |
| | Employer may cash | n out, require the employee to forfeit the paid sick leave, or offer a more generous carryover. | r |
| You are entitled to use accrued pa | id sick leave beginning 90 calendar days af | fter the start of your employment. | |
| Retaliation against you by [comparunder the Minimum Wage Act (ch | | orized purposes, or for the exercise of any | right |
| Print Employee's Name | Employee's Signature | Date | |
| F700-191-000 Employee Paid Sick Le | ave Notification (12-2017) | Copy: Employer | |
| date of start of employment here] | k leave beginning January 1, 2018 [or for ϵ | employees hired after January 1, 2018, insepaid sick leave for every 40 hours you work. ed at RCW 49.46.210(1)(b) and (c)): | |
| | nber is the victim of sexual assault, domest | tic violence, or stalking; and osed by order of a public official for any he | ealth- |
| | accrual year is | to | |
| Company Name | | | |
| Accrued, unused paid sick leave b | alances of 40 hours or less will be carried or | ver to the following year. | |
| Accrued, unused paid sick leave o | ver 40 hours will be | | |
| | Employer may cash | n out, require the employee to forfeit the paid sick leave, o offer a more generous carryover. | r |
| You are entitled to use accrued pa | id sick leave beginning 90 calendar days af | fter the start of your employment. | |

Retaliation against you by [company name] for using paid sick leave for authorized purposes, or for the exercise of any rights under the Minimum Wage Act (chapter 49.46 RCW), is prohibited.





Part One – Important Notice:

Please note that now that the Trump administration is in office, there is a strong possibility that there will be major changes to the Affordable Care Act, including a possible repeal. Please check wahospitality.org to keep current on this important issue in this fluid regulatory environment.

For more information on current ACA requirements, visit the National Restaurant Association's Health Care Headquarters at Restaurant.org/HealthCare.

Part Two – ACA Notification Requirements

Employer requirement to provide notification on exchanges

Employers are mandated under the ACA to notify employees, in writing, about the healthcare marketplaces or exchanges.

All employers, under the Fair Labor Standards Act (FSLA), must provide this notice as of 2014. The FLSA applies to all employees in enterprises with annual sales of \$500,000 or more. As well as any employee who works in interstate commerce or in the production of goods for interstate commerce, regardless of annual sales. This provision of the ACA creates a new section 18B of the FLSA that requires employers to notify employees, in writing, about exchanges and federal subsidies to buy private health plans through exchanges. The notices also must inform employees who opt to buy coverage through exchanges (instead of employer-sponsored plans) that they could lose their employer's contribution (if any) to employer-sponsored coverage. Finally, the notice must explain that health plans bought on exchanges don't have the same tax benefits as employer-sponsored coverage.

It is important to note employers MUST provide the FLSA notice in writing, "in a manner calculated to be understood by the average employee." If employers are unsure of how to fulfill this requirement, look at the section below for notification models provided by the Department of Labor.

Employers do not have to use the model notices. As long as employers provide all three pieces of information outlined under the ACA they will meet the law's notification requirement.

Employers also must provide the notice to all employees, including full-time, part-time, seasonal and temporary employees.

Employers are required to provide written notice within 14 days of hiring starting in 2014.

The notification MUST be in writing and it is recommended employers have employees sign the notification to show they received it.

To read more about employee healthcare requirements and the notification go to the DOL website at: www.dol. gov/ebsa/newsroom/tr13-02.html



Affordable Care Act Notification Requirements

Handbook for Excellent Restaurant Operations

Model notices for employers

For employers with a health insurance plan, see www.warestaurant.org/?attachment_id=13854 For employers without a health insurance plan, see www.warestaurant.org/?attachment_ id=13853

Additional Information

For additional information go to the Washington Hospitality Association healthcare resource page: http://warestaurant.org/wise-buy/health-care-solutions/

Reference: United States Department of Labor Technical Release No. 2013-02



Part One - Important Notice:

Please note that now that the Trump administration is in office, there is a strong possibility that there will be major changes to the Affordable Care Act, including a possible repeal. Please check wahospitality.org to keep current on this important issue in this fluid regulatory environment.

For more information on current ACA requirements, visit the National Restaurant Association's Health Care Headquarters at Restaurant.org/HealthCare. The IRS' draft forms and instructions are posted in the website's regulatory section.

Part Two - ACA Reporting Requirements:

Make no mistake about it. No matter what size your restaurant may be, the Affordable Care Act (ACA) of 2010 will impact the way you run your business.

How the health-care law affects your restaurant depends, in great part, on whether it is classified as a small or large business. Small or large, however, one thing that holds true for all employers is that they must inform all employees about how they can access Washington's state exchange.

Large Employers

"Applicable large employers" are defined by the health-care law as those businesses with 50 or more full timeequivalent employees including full-time salaried and hourly workers and counting part-timers based on the hours they work.

First and foremost, large employers generally face an employer mandate that they have offered all full-time employees and dependents affordable coverage of minimum value as of Jan. 1, 2015. (The mandate phases in; employers with 50 to 99 full-time-equivalent employees have until Jan. 1, 2016, to provide coverage or face penalties. The Jan. 1, 2015, deadline applied to companies with 100+ full-time-equivalent employees.)

If employers fail to comply with this regulation, they potentially face penalties of up to \$2,000 per year for each full-time employee. Penalties will begin when at least one employee receives subsidized coverage through the premium tax credit on a state health-care exchange.

In calculating their penalties, employers generally will be able to exclude the first 30 full-time employees (For 2015, employers with 100 or more full-time-equivalent employees can exclude the first 80 full-time employees).

Employers will also get hit with penalties of \$3,000 per year for each full-time employee who seeks subsidized coverage through the exchanges if an employer's plan is deemed un-affordable or not of minimum value under ACA regulations. According to the ACA's definition, "affordable" plans are self-only coverage that cost employees no more than 9.5 percent of household income. Minimum value refers to the richness of the plan's benefits and must meet a 60 percent test.

Beginning in 2016, companies of up to 100 will be able to buy health plans for their employees through Washington's state exchange. In 2017, the exchange may offer plans to employers with more 100 employees.



Affordable Care Act Reporting Requirements

Handbook for Excellent Restaurant Operations

Those employers that are part of "common–control" groups with 50 or more full-time equivalent employees, if they're offering coverage, need to be tracking as of Jan. 1, so they can report in to the IRS in 2016.

This applies to all employers with 50 to 99 full-time equivalent employees in 2015. Even if they're not offering coverage, they still are must submit and do the statements, in 2016, to their employees and claim that they're taking the transition relief to the IRS. Everybody with 50 full-time-equivalent employees or above needs to comply with the reporting requirements under tax code Section 6056.

Small employers

According to the ACA, a small business is one with fewer than 50 full-time-equivalent employees. This includes full-time salaried and hourly employees in addition to part-time workers counted based on their total working hours.

If your business qualifies as a small one, you will be much less impacted by ACA health-care regulations than businesses that employ 50 or more workers. Most significantly, small employers are not subject to the ACA's employer mandate.

Small employers offering coverage may qualify for a tax credit for contributing to their employees' health coverage. This benefit is available to restaurants with up to 25 full-time employees, based on a 40-hour workweek, who also pay at least half of the cost of coverage for their full-time salaried and hourly employees, and whose employees' wages average no more than \$50,000. Employers who take advantage of this tax credit must purchase their coverage through the state exchange. The maximum credit for the smallest restaurant with the lowest wages is 50 percent.

Small businesses that offer health plans are prohibited from imposing annual/lifetime limits on coverage. The plans must cover employees with preexisting conditions. Coverage cannot be rescinded, and children must be allowed to remain on parents' plans until they are 26 years-old.

Keep in mind that small businesses are also subject to a 90-day limit on maximum waiting periods, and restrictions on flexible savings accounts, health savings accounts and health reimbursement, and will be subject to nondiscrimination rules once guidance has been issued by the Department of Treasury. They must also offer a "plain English" summary of benefits and coverage to employees and are required to report the value of health care coverage on W-2 forms.

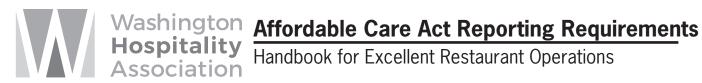
Look out for some new taxes and fees under the law. Medicare tax rates have gone up for some, and some new taxes and fees imposed on health care plans under the ACA, including the "exchange reinsurance fee," which is in effect from 2014 through 2016, may hit small businesses that purchase insurance.

Track and Report

The IRS is asking employers to track and report a massive amount of data. At the very least, everything has to be collected and recorded on a calendar month basis. You can't do it by payroll periods. It has to be, for example, Jan. 1 to Jan. 31. That, in and of itself, means big changes for many employers.







Whether your restaurant is a small or large business, it is of utmost importance that you stay on top of the changes wrought by the ACA. Don't take anything for granted. While this law is complex, it is the law, and you are responsible for following it.

If you do not begin collecting the required information in January, it will be very difficult, costly and time consuming to rebuild the data you will need to report."



Meals and Breaks

Handbook for Excellent Restaurant Operations

Definitions

- 1. The normal working day is considered to be eight hours of work.
- 2. Meal periods must be a minimum of 30 minutes.
- 3. Meal periods are not considered to be part of work when employees are completely relieved from duties and allowed to leave the premises; employers do not pay for these meal periods.
- 4. Rest breaks are a relief from duty; they should be a minimum of 10 minutes and are paid for by the employer.
- 5. Meal periods and rest breaks are separate requirements; they are not interchangeable and cannot be combined. Depending on where the rest breaks and meal periods are placed within the work shift, the two could occur back to back, thus combining the two, however, this is fact specific.

Meals*

- 1. Employees 16 years and older, working up to (but not more than) 5 hours, need not be given a meal period.
- 2. Employees 16 years and older working over five hours must be allowed a 30 minute meal period for each five hours of time worked. The meal should be taken no earlier than two hours and no later than five hours from the beginning of the shift.
- 3. When an employee is required to stay on the work premises or remain on duty for the convenience of the employer, the employer must pay for the meal period (i.e. the meal period is on the employer's time). Duties performed during this time are not considered part of the meal period.
- 4. OVERTIME: Employees working three or more hours longer than a normal working day (11 hours or more) must be given a second meal period of 30 minutes, either prior to or during the overtime period. The second meal period must be given within five hours from the end of the last meal period.

Breaks*

- 1. Employees 16 years and older should be allowed a rest break of at least 10 minutes for each four hours of time worked. Rest breaks should ideally be scheduled at the midpoint of the work shift. No employee shall be required to work more than three hours without a rest period.
- 2. If the nature of the work allows employees to take intermittent rest breaks of at least 10 minutes during the four hour shift, rest breaks are not required to be scheduled. For example, when restaurant employees routinely work during a slow shift such as mid-afternoon, scheduled rest breaks are not required.

For more information on meals and breaks for adult workers, visit www.lni.wa.gov/WorkplaceRights/ Wages/ HoursBreaks/Breaks/default.asp.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.





^{*}Requirements for 14 and 15 year-olds differ



An employer is not required by law to give advance notice to change an employee's shift or to shorten it or lengthen it, thus there is no legal requirement for show-up pay. That is, when employees report to work for their regularly scheduled shift but the employer has no work to be performed, and the employees are released to leave the employer's premises or designated work site, the employer is not required to pay wages if no work has been performed.

However, if an employee is required or authorized to report at a designated time and to remain on the premises or at a designated work site until he or she may begin his or her shift, the employee is considered to be engaged to wait, and time spent waiting will be considered hours worked.

Similarly, when a shutdown or other work stoppage occurs due to technical problems, such time spent waiting to return to work will be considered hours worked unless the employees are completely relieved from duty and can effectively use the time for their own purposes. For example, if employees are told in advance that they may leave the job and do not have to recommence work until a certain specified time, such time will not be considered hours worked. However, if the employees are told they must "stand by" until work commences, such time must be paid.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.



Hourly and Salaried Overtime

Handbook for Excellent Restaurant Operations

New Overtime Rule Struck Down in Court

In Sept. 2017, U.S. District Judge Amos Mazzant struck down a new rule for overtime pay, saying the Labor Department set an excessively high salary threshold to determine which employees are exempt from overtime. The decision was widely anticipated after a preliminary injunction, in Nov. 2017, preventing the overtime rule from taking effect as scheduled on Dec. 1 while he weighed a final ruling. The rule, released in May 2016, would have nearly doubled the threshold at which executive, administrative and professional employees are exempt from overtime to \$47.476 from \$23.660.

Current Overtime Rules

Most employees must be paid at least minimum wage for all hours worked, and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in any work week. However, federal and Washington State law provide an exemption from overtime pay for so-called "white collar" employees employed in bona fide executive, administrative, and professional roles.

An employer that assumes it has hired a "salaried" or "exempt" employee may get a rude awakening when the employee takes action to collect unpaid overtime, and the employer discovers that the employee's role doesn't meet the requirements for a bona fide executive, administrative, or professional employee. The "salaried" and "exempt" employee requirements are summarized below. Please remember that these are only guidelines. Because overtime exemptions are determined on a case-by-case basis, it is important to review the details about your particular circumstances and compare them with current state and federal regulations.

Additionally, these regulations are subject to interpretation and change without notice. If you have specific questions, you should call the Washington L&I Employment Standards Section at 360.902.5316; call the U.S. Department of Labor at 866.487.9243; or consult with an attorney.

Under the federal Fair Labor Standards Act (FLSA), any employee employed in a bona fide executive, administrative, or professional position is considered exempt from the overtime provisions of the FLSA. The U.S. Department of Labor (DOL) has published extensive regulations defining which employees qualify for the exemption. Washington State has similar exemptions. Because the current federal exemptions for executive, administrative, and professional employees are more worker friendly than the Washington exemptions, only the federal exemptions are summarized below. (Where state and federal rules differ, employers must follow the rule that is most favorable to the worker.)

Which employees must be paid overtime premium pay for hours worked over 40 hours in any work week? Two types of employees must be paid overtime at time and one-half their regular rate of pay:

- Employees paid on an hourly basis
- Employees who are paid on a salary basis and not "exempt."

Which salaried employees are exempt? A salaried employee is "exempt" if the employee is considered a bona fide executive, administrative, or professional employee. "Blue collar" workers who perform manual labor involving repetitive operations with their hands, physical skill, and energy (e.g., carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, and construction workers) are not exempt, no matter how highly paid they might be.

• **Executive employees** – An employee is an executive employee if: (1) the employee is paid on a salary basis





of no less than \$455 per week; (2) the employee's primary duty consists of managing the enterprise (or a department or subdivision); (3) the employee regularly directs the work of two or more other full-time employees; and (4) the employee has the authority to hire or fire other employees, or the employee's suggestions and recommendations as to hiring, firing, advancement, promotion, or any other change of status of other employees must be given particular weight.

- **Administrative employees** An employee is an administrative employee if: (1) the employee is paid on a salary basis of no less than \$455 per week; (2) the employee's primary duty consists of either the performance of office or non-manual work directly related to and the management or general business operations of the employer or the employer's customers; and (3) the employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of
- **Professional employees** Both learned professionals and creative professionals are "exempt." An employee is a "learned professional" if: (1) the employee is paid on a salary basis of no less than \$455 per week; (2) the employee's primary duty is the performance of work requiring advanced knowledge in a field of science or learning and customarily acquired by a prolonged course of specialized intellectual instruction; and (3) the employee's primary duty includes work requiring the consistent exercise of discretion and An employee is a "creative professional" if: (1) the employee is paid on a salary basis of no less than \$455 per week; and (2) the employee's primary duty is the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

Reference:

For general information on state administrative policies, visit http://lni.wa.gov/WorkplaceRights/Rules/ Policies/default.asp.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.

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Payroll Deductions

Handbook for Excellent Restaurant Operations

During an ongoing employment relationship (i.e., employee is still employed with the employer on payday), the following deductions are allowed, and may reduce the employee's wage below the minimum wage in effect at the time of the deductions:

- Deductions required by law, such as federal and state taxes, garnishments ordered by a court, and the employee's share of workers' compensation premiums.
- Deductions that the employee has agreed to in advance and in writing, that are for a lawful purpose and for
 the employee's benefit. Neither the employer nor any person acting in the employer's interest can derive any
 financial profit or benefit from such deductions, other than reasonable interest in the case of an employee
 loan.

The following deductions are allowed only from an employee's final paycheck, only when incurred during the final pay period, and only when there is an agreement between the employer and employee. Although there is no requirement that such an agreement be in writing, L&I recommends that employers put the agreement in writing and obtain written acknowledgement from the employee. Even if there is an agreement, these deductions may not reduce the employee's final check below the applicable minimum wage:

- Till shortages, but only if the business has established policies regarding cash acceptance, and if the
 employee has counted money in the till before and after his or her shift and has sole access to the till during
 the shift.
- Breakage, loss, or damage of equipment, but only if it can be shown to have been caused by the worker's dishonest or willful act.
- Bad checks or credit card purchases accepted by the employee, but only if the business has established check and credit card acceptance policies before the event.
- Employee theft, but only if the business can show that the employee's act was dishonest or willful, and the business filed a police report.
- Other agreements made between the employee and employer at the time of termination. If these agreements are for the worker's personal benefit, the business may reduce the final check below the applicable minimum wage.

Deductions for unemployment compensation premiums are never allowed. The entire premium must be paid by the employer.

Employers must furnish itemized pay statements to each employee at the time of payment of wages showing all deductions for the pay period, as well as the pay basis, rate or rates of pay, and gross wages.

Note: Employers may require that their workers receive their pay in the form of automatic deposits so long as there is no cost to the workers.

Examples:

Allowable Deductions

- Employee starts a bar tab and asks employer to deduct the bill from his or her paycheck.
- Employee asks employer for an advance on his or her next paycheck; advance is deducted from said check.







Not Allowable

 Employee breaks a rack of plates. Employee asks employer to take the value of plates out of paycheck rather than get fired.

Reference:

For general information on state administrative policies, visit http://lni.wa.gov/WorkplaceRights/Rules/Policies/ default.asp.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.



Employee Apparel

Handbook for Excellent Restaurant Operations

Employers are not required to compensate their employees for apparel that an employer requires them to wear during working hours UNLESS the required apparel is a uniform.

A uniform is...

Any one of the following:

- Apparel that is specifically marked with an employer's logo.
- Unique apparel representing an historical time period or an ethnic tradition.
- Formal apparel.
- Apparel of a distinctive style and quality that, when worn outside of the workplace, clearly identifies the person as an employee of a specific establishment.

Non-uniform wearing apparel is...

Acceptable to ask employees to furnish at their own expense any wearing apparel of a common color that conforms to a general dress code or style:

- Shirts or blouses of the following colors: white, tan, light tan, dark tan, blue, light blue or dark blue.
- Pants, skirts or shorts of the following colors: black, tan, light tan, dark tan, blue, light blue, dark blue, light gray, dark gray or gray.
- Light or dark shoes.
- Apparel that is a general style, i.e. jeans, slacks, dress pants, dress shirt, T-shirt, polo and shorts would be
 acceptable employer requirements if they meet definition of any of the above.

Seasonal apparel

An employer is permitted to require an employee to obtain two sets of wearing apparel to accommodate for seasonal changes in weather which necessitate a change in wearing apparel.

EXAMPLE: The employer requires shorts for summer wear and full length trousers for other seasons.

Employee apparel codes must have a two year time frame

If an employer changes the color or colors of apparel required to be worn by any of his or her employees during a two-year period of time, the employer shall furnish or compensate the employees for the apparel. The employer shall be required to furnish or compensate only those employees who are affected by the change. The two-year time period begins on the date the change in wearing apparel goes into effect and ends two years from this date. The beginning and end of the time period applies to all employees regardless of when the employee is hired.

EXAMPLE: If apparel code is established in July 2018, it may not be altered by the employer until June 2020. If the restaurant changes the apparel code in July 2021, the employer is not required to reimburse the employees for the cost of that clothing. If the restaurant changes the apparel code in December 2019, the employer is required to reimburse the employees for the cost of that clothing.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.





Employers must take a great deal of care when terminating an employee. This summary outlines some of the legal claims that can result from terminations and some suggestions to follow during the termination process. This summary does not constitute legal advice—if you have specific concerns, consult an attorney.

In general, unless otherwise agreed to or modified by the statements or conducts of the employer, the employee/employer relationship can be described as "at will." This means that either party may terminate the working relationship for any reason or for no reason. This sounds simple, but in practice, termination can be complicated. Court decisions, federal and state laws, and even some municipal codes have carved out exceptions to the at-will doctrine.

These exceptions are briefly summarized below.

Exceptions to the At-Will Doctrine:

- Discrimination Anti-discrimination laws prohibit employers from terminating an employee based on certain personal characteristics, including race, national origin, religion, gender (including pregnancy), age (40 years and older), disability, and sexual orientation (including gender identity).
- Express Employment Contact An express employment contract is a written or oral agreement by two or more parties to enter into an employment relationship. If the terms of such an agreement provide for a specific period of time and/or require "just or good cause" for dismissal, the at-will doctrine will not apply.
- Example: A restaurateur hires a chef for six months by verbal agreement. Three months later the owner changes the menu and wants to dismiss the chef. The owner cannot do so unless the employee agrees because the parties expressly agreed that the job would last six months.
- Implied Contract Employers cannot terminate an employee if doing so breaks an implied contract with the employee. Implied contracts frequently arise when written materials, such as employee handbooks, contain specific promises of treatment in specific circumstances and are circulated without sufficient disclaimers that the contents do not constitute a contract. To protect yourself from creating an implied contract, consult an attorney any time you implement an employee handbook or similar written materials.
- Example: A new employee is given an orientation packet containing restaurant policies. It states that new employees are hired subject to a three-month probation period. This statement may imply that the employer must have "good and just cause" to terminate the employee after the probation period ends.
- Public Policy- Employers cannot terminate an employee if doing so would violate public policy. Examples include:
- Performing a public duty or obligation, such as reporting for jury duty or delivering court-ordered testimony.
- Whistle blowing, including reporting conditions that may be dangerous to health, safety, and general
- Refusing to commit an illegal act.
- Filing a workers' compensation claim.
- Emotional Distress/Defamation If termination occurs in such a way as to cause severe distress to the employee, particularly if other employees are present, the employer may find itself liable to the employee for intentional infliction of emotional distress and/or defamation. Employers can reduce this risk by minimizing any potential embarrassment of the employee, and by discussing termination details only with those who have a "need to know."
- Example: On termination an employee was physically marched off the premises by two security guards. The court ruled the employee had a claim for emotional distress because of the humiliation she was subjected to.



Terminating an Employee

Handbook for Excellent Restaurant Operations

- Implied Covenant of Good Faith If an employer owes a benefit to the employee based on either an implied
 or express employment contract, the employer may not terminate the employee to deprive the employee of
 that benefit.
- Example: An employee is promised a bonus based on meeting a sales or performance goal. The employer cannot terminate the employee to avoid paying the promised bonus.

Procedures for Terminating an Employee

Notice need not be given ahead of time. While there is no definitive procedure to follow when terminating an employee, keep the following in mind to minimize the legal risk associated with a dismissal.

- Have more than one manager present to avoid later disputes over what was said.
- Document what is said to the employee and his or her response.
- Communicate the reasons for dismissal in an honest and clear manner.
- Avoid accusations. Use phrases like, "We have reason to believe you have done 'X' illegal activity".
- Keep the meeting brief and to the point. There should be no doubt that the employee is being terminated.
- Terminate the employee in a private setting to minimize any potential embarrassment.
- Conduct the meeting with dignity and respect. No matter what the circumstances, termination is distressing and traumatic.
- Do not communicate the reason for termination to other employees or to outside parties.
- References to any employee's future employer should be limited to: the dates of employment; the employee's position; his or her ability to perform the job; the diligence, skill, or reliability with which the employee carried out his or her job duties; and any illegal or wrongful act committed by the employee, if related to job duties. Retain a written record of the identity of the person or entity to which information is disclosed for a minimum of two years from the date of disclosure. The employee or former employee has a right to inspect any such written record upon request, and any such written record shall become part of the employee's personnel file. This reference policy should be consistent for all employees— both those who have been terminated and those who have voluntarily resigned.
- Pay termination wages on the next regularly scheduled payday.

Tips for Avoiding Potential Lawsuits

- Keep Thorough Records Employers can protect themselves against potential claims by keeping well-documented records of all employees, especially of disciplinary actions. Write up any warnings that have been given, including dates and the names of those present. Record when employees were trained on cash procedures, care of equipment, locking up for the night, etc. Your records should substantiate that all employees were trained on correct procedures, that all employees were treated equally, and that individual performance issues were promptly addressed with an opportunity for correction of such issues.
- Adopt an Anti-Harassment Policy Harassment is any unwelcome conduct based on an employee's membership in a protected class (e.g., race, national origin, gender, age, disability, religion, and sexual orientation), that either (a) culminates in a tangible employment action (such as termination or demotion), or (b) is sufficiently severe or pervasive to create a hostile work environment. An employer may be legally liable for harassment by both employees and non-employees. However, employers may limit their exposure by adopting, disseminating, and enforcing an anti-harassment policy. Among other things, an effective anti-harassment policy should be written and well disseminated; include a definition of workplace harassment; discuss harassment by all potential actors, including supervisors, co-workers, and non-employees; encourage





- employees to report harassment right away; create multiple paths for reporting, including a path outside the supervisory chain of command; and assure that inquiries and necessary corrective action is taken promptly. Employers who wish to adopt an anti-harassment policy should consult with an attorney.
- Get Legal Advice It is always in the employer's best interest to consult an attorney before terminating an employee. Termination can result in expensive litigation if it potentially constitutes wrongful termination under the various federal, state and local laws that regulate employment. If you have any concern at all about the possible consequences of terminating an individual, consult your attorney first.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.



Prohibited Duties for Minors

Handbook for Excellent Restaurant Operations

Alcohol

Occupations involving the sale, handling or serving of any liquor, either on a paid or voluntary basis.

Deep Fryers

Minors may use fryers for cooking purposes. Although L&I does not prohibit 16- and 17- year-old minors from cleaning a deep-fat fryer, Washington Hospitality Association recommends they not be involved in cleaning fryers due to the hazards associated with these activities.

A new DOSH Hazard Alert on Hot Oil Fryers may be useful for training purposes for workers of all ages, http://www.lni.wa.gov/Safety/Basics/HazAlerts/PDFs/HotOilFryer.pdf.

Freezers and Coolers

Working in meat packing operations with routine and prolonged work in freezers and coolers.

Driving

No minor under age 17 may drive on a public roadway for work. For 17-year-olds, occasional driving is permitted if certain requirements are met. Work which involves directing moving motor vehicles in or around warehouses or loading/unloading areas including, but not limited to, loading docks. Driving forklifts and other heavy equipment is prohibited.

- *Occasional driving is permissible if:
- The minor is at least 17 years of age and has a valid state driver's license for the type of driving involved;
- Driving is restricted to daylight hours;
- Such driving is only occasional, and is incidental to the minor's employment;
- Vehicle gross weight is under 6,000 pounds;
- The minor has completed a state approved driver education course; and
- Seat belts are provided in the vehicle and the minor has been instructed to use them.

Driving for time-sensitive purposes such as pizza delivery is prohibited. Policy ES.C.4.3 with more details on driving by minors can be found at www.lni.wa.gov/workplacerights/files/policies/esc43.pdf.

Powered-driven Equipment

Occupations involving operation, repair, oiling, cleaning, adjusting, or setting up powered food slicers (including for meat, poultry, seafood, vegetables, bread or cheese) or power driven bakery machines, such as Hobart mixers and pizza dough rollers are prohibited.

Table-top food mixers and food processors are permitted.

Hotel Specific

Work as a maid or bellhop in motels or hotels, unless the minor is accompanied by a responsible adult whenever the work requires the minor to enter an assigned guest room, whether or not it is occupied at the time the minor is in the room. Minors may work in unassigned, unoccupied guest rooms unaccompanied by an adult.

Late Night

Service occupations if a minor works past 8 p.m., unless the minor is supervised by a responsible adult employee who is on the premises at all times. But teens cannot work past 10 p.m. on school nights.







Walk-in Coolers/Freezers

Work in freezers, meat coolers, and all work in preparing meats for sale (wrapping, sealing, labeling, weighing, pricing, and stocking are permitted if work is performed away from meat-cutting and preparation areas). Occasional entry into freezers or coolers for cleaning, obtaining stock or placing stock shall not be prohibited (Occasional is defined as working within the walk-in cooler/freezer for less than a consecutive hour).

Working at Heights

Work performed more than 10 feet above ground or floor level, such as on ladders, scaffolds or roofs, is not permitted.

Allowable Duties in Restaurants for 16- and 17-Year-Olds

- Cooking and baking of any type;
- Use of non-powered knives and slicers;
- Use of waffle irons, milkshake blenders, toaster ovens, microwaves, coffee grinders, and espresso machines, and dishwashers:
- Occasional entry into freezers or coolers for obtaining stock or placing -products in restaurants, grocery stores and other retail settings; (Occasional is defined as working within the walk-in cooler/ freezer for less than a consecutive hour).
- Selling to motorists from a window counter is allowed.
- More information can be obtained from the L&I teen worker web page at www.teenworkers.lni.wa.gov. A new Food Service Fact Sheet from L&I provides a good summary of some of the work activities permitted for minors: www.lni.wa.gov/IPUB/700-167-000.pdf.

Fourteen- and 15-Year-Olds

Fourteen- and 15-year-olds are permitted to work in food service so long as it does not involve cooking or baking activities. They are more likely to be employed in a full-service restaurant where other jobs are available such as waiting on customers, bussing tables, and washing dishes, for instance. The hours of work for this age group are more limited than for 16- and 17-year-olds. They may be paid at 85 percent of the minimum wage.

Noncompliance with Washington's teen labor laws can mean possible fines or loss of permits for your restaurant. Because of the additional restrictions imposed on 14- and 15-year-old workers, the Washington Hospitality Association recommends against hiring teens under the age of 16.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.



Preventing Teen Injuries

Handbook for Excellent Restaurant Operations

Employment data show the hospitality and retail industries, including restaurants, employ 50 percent of teenagers, which contributes to the high incidence of injury to teens.

In 2000, the Washington State Department of Labor and Industries (L&I) and the Washington Hospitality Association set a goal to reduce teen injuries in restaurants. In response to the challenge, L&I and Washington Hospitality Association teamed up to strategize on prevention methods that helped reduce teen injuries in restaurants.

The team met with a Teen Focus Group and reached five conclusions:

- 1. The number one concern of teens was slips and falls due to wet floors
- 2. Supervisors play a huge role in preventing injuries. Safety training and constant reminders were significant factors in getting teens to focus on safety. 3. Posters rarely worked unless short and to the point.
- 3. Posters rarely worked unless short and to the point.
- 4. Speed was a factor that compromised safety; incentives to work quickly prevented teens from focusing on safety.
- 5. Teens are not quite ready to understand all the responsibilities of the workplace.
- 6. For more information or to obtain training materials, go to www.TeenWorkers.Lni.wa.gov.

Teen Injury Reduction Plan

Although not required, the strategies listed below are excellent for reducing injuries and workers' compensation claims. Details of each of these strategies can be found at the L&I web page for Restaurant Safety materials, www. Ini.wa.gov/WorkplaceRights/TeenWorkers/JobSafety/ RestaurantProgram/Resources:

- Adopt a model shoe policy
- Send supervisors to restaurant industry safety training provided to you by L&I (Contact L&I Small Business Liaison Office at 800.987.0145 or email SmallBusiness@lni.wa.gov.
- Conduct monthly safety meeting with teen workers
- Address Best Practices safety tips for common hazards with teen workers
- Complete the safety orientation checklist for new workers
- Be aware of the prohibited practices and restrictions for the hours of work for teens under the age of 18
- Place "Rated R" stickers on prohibited equipment to indicate that anyone under 18 is restricted

Facts about teen injuries

- Typically, most teen injuries occur in the first six months of employment
- Slips, falls, cuts and burns account for more than 85 percent of teen restaurant injuries

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.







The following is a checklist of what to have on file and regulations to follow when employing teen workers. There are three things an employer must have to employ youth under age 18:

1. Obtain and post a minor work permit

The employer is responsible for obtaining and posting a current minor work permit. The permit is an endorsement on the employer's Business License. In order to obtain one, an application to amend the business license must be submitted to the Department of Revenue's Business Licensing Services (BLS). It is preferable to do this on-line at http://bls.dor.wa.gov/minorworkpermit.aspx. For questions contact BLS at bls@dor.wa.gov or 800.451.7985. There is a \$19 processing fee. The permit must be renewed annually. Employers will receive reminders for this from BLS.

2. **Parent/School Authorization Form**

This form is available on L&I's teen worker page (www.TeenWorkers.Lni.wa.gov) or can be provided to you by L&I. It must be signed by the parent or guardian and a school representative when it is in session. All parent/ school authorization forms expire each year on September 30th if the minor will continue to work during the new school year. This form must include the minor's job description, including a complete description of his or her duties, earliest and latest work hours, and total number of hours of work per week. Special Variance: this form has the additional "Special Variance" signatures block which allows 16- and 17-year old minors to work up to 6 hours per day and up to 28 hours per week. There is a new Parent Authorization form that can be used when school is not in session since a school signature is not needed: www.lni.wa.gov/Forms/pdf/F700-168-000.pdf.

3. Proof of age.

Obtain and keep on file proof of age for each minor, such as a copy of a birth certificate, driver's license, school ID, baptismal record or notarized statement from a parent or legal guardian.

Other information to keep on file

Maintain records of work schedules, rest and meal breaks, and a copy of the minor's social security card [except for the Social Security card, name, address, DOB is on the PSA and/or proof of age documents]. It is strongly recommended that businesses keep time cards as well as work schedules. In the event of a wage claim, industrial relations agents don't count work schedules, only time cards. Provide meal periods and rest breaks.

Fourteen- and 15-year-old workers

Fourteen- and 15-year-old workers may not work more than four hours without a 30-minute, uninterrupted meal period that is separate from and in addition to rest breaks. These minors must also be provided a paid rest break of at least 10 minutes for every two hours worked. Since the purpose of meal periods and rest breaks is to provide rest from work, they should not be scheduled near the beginning of a work shift.

Noncompliance with Washington's teen labor laws can mean possible fines or loss of permits for your restaurant. Because of these and other restrictions imposed on 14- and 15-year-old workers, the Washington Hospitality Association recommends against hiring teens under the age of 16.

Ensure that teen workers are not performing prohibited duties

Minors are prohibited from any work that may put them at risk for injury. Prohibited activities include operating meat slicers or powered bakery equipment, driving a forklift, working in freezers or meat coolers, and preparing meats for sale. Additionally, minors under the age of 16 may not cook or bake. A more detailed list of prohibited



Teen Labor

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duties can be found at: www.lni.wa.gov/IPUB/700-167-000.pdf.

Observe wage laws

The minimum wage for 16- and 17-year-old workers is the same as for adults. Minors under the age of 16 may be paid 85 percent of the state minimum wage.

Comply with limitations on work hours

State regulations limit the number of hours that teens can work, as illustrated in the table below. Sixteen- and 17-year-olds who are married, are parents, have acquired their G.E.D., are registered in accredited college courses, or have been legally emancipated may work the non-school hours year-round, without a variance. However, prohibited-duties restrictions still apply.

Hours and Schedules Minors are Permitted to Work in Non-Agricultural Jobs

| | Hours a Day | Hours a Week | Days a Week | Begin | Quit |
|--------------------------------------|------------------------------|--------------|-------------|--------|--|
| 14-15 year-olds School weeks | 3 hours (8 hours SatSun.) | 16 hours | 6 days | 7 a.m. | 7 p.m. |
| Non-school weeks | 8 hours | 40 hours | 6 days | 7 a.m. | 7 p.m. (9 p.m. June 1 to Labor Day) |
| 16-17 year-olds School weeks | 4 hours (8 hours FriSun.) | 20 hours | 6 days | 7 a.m. | 10 p.m. (Midnight FriSat.) |
| School weeks with a special variance | 6 hours (8 hours FriSun.) | 28 hours | 6 days | 7 a.m. | 10 p.m. (Midnight FriSat.) |
| Non-school weeks | 8 hours | 48 hours | 6 days | 5 a.m. | Midnight |

For more information, see: http://www.lni.wa.gov/WorkplaceRights/TeenWorkers/Hours/.

Obtain variances when necessary

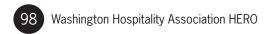
Before a 16- or 17-year-old worker may work extra hours, the employer must obtain a special variance (for teens working up to 6 hours per day and 28 hours per school week) or a regular variance (for teens working more than 28 hours per school week). Special variances require approval from the parent, teen, business, and school, but not from L&I. Regular variances must be approved by L&I and will only be granted if the business and teen feel there is "good cause," and if the extra hours will not be harmful to the teen. For more information on variances, visit the L&I teen worker website: www.teenworkers.lni.wa.gov.

Be aware of potential penalties for noncompliance

L&I may revoke a restaurant's minor work permit if working conditions are detrimental to the health, safety, or welfare of minor workers. Additionally, civil penalties of \$1,000 or more may be assessed against businesses.

For more information, view L&I's guide to permitted and prohibited work for teens at http://www.lni.wa.gov/IPUB/700-167-000.pdf

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.







When is federal law applied over state law?

If there are differences between federal and state laws or rules governing wages, hours and working conditions, the standard more favorable or more protective to the employee is applied. Individuals with questions regarding whether federal labor law provides more favorable standards must obtain clarification of the Fair Labor Standards Act from the United States Department of Labor.

Examples of more protective standards in federal law include compensatory time agreements and overtime for workers who reside or sleep on the employer's premises. For example, under federal law, compensatory time agreements in lieu of premium pay are not allowed in private sector businesses. Employees must be paid in wages for all overtime work. Additionally, under federal law, individuals who are required to sleep or reside at their place of business may be subject to minimum wages and overtime pay.

Reference: RCW 49.46.120

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.



Personal Chefs

Handbook for Excellent Restaurant Operations

Personal chefs are independent contractors (not employees) that prepare food in private homes for consumption by household members. Personal chefs may also prepare meals for social events, such as dinner parties, cocktail parties, engagement parties, weddings, and receptions.

Taxes That Apply

The following taxes apply to personal chef services regardless of who provides the food ingredients:

- Business & Occupation tax: Personal chefs report their income under the Retailing business and occupation tax classification. See WAC 458-20-119(2).
- Retail sales tax: Personal chef services are subject to retail sales tax. The personal chef must collect sales tax at the rate due for the location where the customer receives the prepared food.

The proper tax rate can be found by entering the address in the Department of Revenue's Tax Rate Lookup Tool.

NOTE: There is a retail sales tax exemption for meals that are prepared containing raw or undercooked eggs, fish, meat, or poultry when both of the following apply:

- After preparation, the meals are refrigerated or frozen for consumption at a later time, and
- The meals must be cooked prior to consumption to prevent food borne illness, as recommended by the Food and Drug Administration. See WAC 458-20-244(4).

For more information, refer to the Department of Revenue's Special Notice Prepared Food Tax Changes at http://dor.wa.gov/Docs/Pubs/SpecialNotices/2007/sn_07_PreparedFoodChgs.pdf

References:

WAC 458-20-119(2), WAC 458-20-244(4)

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.

Rev. 1/1/18









Cook-Chill & Sous Vide (The revised rule adds requirements for cook-chill and sous vide.)

Traditional cook-chill and sous vide preparations require sealing food in air-tight bags. This oxygen-reduced, anaerobic environment can promote the growth of bacteria such as Clostridium botulinum (can cause botulism) and Listeria monocytogenes (can cause listeriosis) that grow better when oxygen levels are low.

The proposed rule specifies the strict operating procedures and attention to precise temperature control and discard practices the operator must maintain to prepare these menu items under an approved HACCP plan.

Noncontinuous Cooking (The outgoing rule does not discuss animal products that are partially cooked then cooled prior to final cooking before service.)

Food establishments that partially cook meat for final cooking later will be required to have written procedures preapproved by the regulatory authority. The rule requires that the meat be heated for no more than 60 minutes initially and be properly cooled before it is finally cooked to 165°F before service. Meats prepared using an interrupted cooking process, but that do not meet the definition of grill marking (see below), would be required to be cooked to at least 165°F before service. They would NOT be allowed to be served undercooked, even with a consumer advisory.

Grill Marking (Washington State included an exception to the Noncontinuous Cooking section of the rule to allow limited parcooking under controlled circumstances.) Meats that are grill marked (seared for less than one minute per side) and held for finish cooking later must be cooled immediately, marked or otherwise indicated that they require additional cooking, and stored separate from ready-to-eat food. Before service, grill marked meats must be heated to the proper internal cook temperature (unless a consumer advisory is posted) before service. They may not be cooled again for another service.

Pre-School Licensing (The outgoing rule does not include modifications for food service in preschools with limited facilities.)

With several exceptions (such as babysitting, licensed childcare, parent/child programs), pre-schools are defined as programs that provide organized care and education for children below the age required for kindergarten entry and that operate for two or more days per week with no child enrolled on a regular basis for more than four hours per

The proposed addition to the rule will limit food menus and preparation steps if the physical facilities available at the pre-school are also limited. Pre-schools that operate with expanded menus will be permitted as routine food establishments and required to comply with the entire food rule.

Please note that changes are coming to the Washington Food Rule, in 2018, and will be noted in the HERO Manual when they are released.

Do you have questions? Food safety staff from your local health jurisdiction or Washington State Department of Health can answer questions or give you additional materials on the food rule.

For More Information:

Washington's Revised Food Code – https://www.doh.wa.gov/CommunityandEnvironment/Food/ FoodWorkerandIndustry/FoodSafetyRules Washington State Department of Health - https://www.doh.wa.gov/

FDA Model Food Code Food and Drug Administration (2013) http://www.fda.gov/food/guidanceregulation/retailfoodprotection/foodcode/ucm374275.htm



First Aid Compliance

Handbook for Excellent Restaurant Operations

Go to http://whaef.org/training/first-aid-cpr-aed/ for scheduled First-Aid classes and registration.

Because each restaurant is unique, first aid needs will vary depending on the number of employees, type of work, job hazards and the availability of medical services. All restaurants, regardless of size, must ensure that first aid assistance is available should an employee be injured or become ill while at work.

The Department of Labor and Industries requires every employer in Washington state, regardless of number of employees, to have at least one employee per shift trained in both first aid and CPR or can demonstrate that first aid response can be obtained quickly. This requirement can be filled by either of the following methods:

Option 1

Maintain a first aid trained employee at work during all shifts: To comply with this requirement, you must:

- Ensure that each shift has a designated person with first aid training available to employees.
- Keep a record of first aid training.
- Keep emergency numbers posted.

Option 2

Determine and document that your restaurant is within close proximity to a medical facility: There is a section in the law that releases an employer from this obligation (having a first aid trained employee available at all shifts) if they can demonstrate their establishment is within "close proximity" to a medical facility. The main problem with using this argument to satisfy your first aid obligation is that neither federal nor state law defines "close proximity." Detailing the distance and directions and approximate time to the nearest medical facility will demonstrate to the inspector that you've analyzed your particular situation. While it is no longer a requirement to maintain a written first aid response plan, if you plan to use the "close proximity" argument, the Hospitality Association would strongly suggest that you keep a record of the following:

- Distance and directions to the nearest medical facility.
- Approximate time it takes to get to the medical facility.
- Hours of operation at the nearest medical treatment facility.
- A description of your work location and types of potential work hazards in your restaurant.
- Identification and posting of available emergency medical services and access numbers.
- The location of first aid supplies and a list of the contents of the first aid kit.
- A plan for how first aid supplies and/or kits will be inspected and maintained.

How does your restaurant obtain first aid and CPR instruction?

First Aid and CPR cards may have an expiration date for re-certification. If the certification does not include an expiration date, first aid training should be done every three years and CPR training should be done annually. Training can be done through the Washington Hospitality Association or through such associations as the American Red Cross, American Heart Association, local fire departments and community colleges.







Which option works for you?

How do you know which option best fits your business? You will need to consider the potential for and degree of occupation hazards, the sources of potential injuries, your history of past medical emergencies, your workers' comp. rate and the estimated response time for emergency medical services.

It may be difficult to justify not having first aid trained staff. The burden of proof is on the employer to prove to L&I that you have evaluated your workplace, identified the hazards and show that the response time by emergency medical professionals would be quick enough to protect your workers.

Rev. 8/24/17



Person in Charge (PIC)

Handbook for Excellent Restaurant Operations

Every permitted food establishment must have a designated person in charge (PIC) on the premises during all operating hours. The PIC will be required to:

- Have food safety knowledge,
- Take appropriate preventive and corrective actions (including excluding ill food workers)
- Demonstrate knowledge to the regulatory authority.

Food Safety Knowledge

- The designation of a PIC during all hours of operation is intended to ensure the continuous presence of someone able to identify and prevent high risk practices to avoid the transmission of foodborne disease to the community.
- The PIC must be able to recognize hazards that may contribute to foodborne illness and be able to take appropriate preventive and corrective actions.
- The PIC must have sound knowledge of the basics of proper food handling, the requirements of the food rule, and the operating procedures within the establishment.
- The PIC must have sound knowledge of the basics regarding food allergies.

Preventive and Corrective Actions

The PIC must ensure that all provisions of the food rule are followed, including:

- Food preparation and storage occur in proper areas.
- Employees effectively wash their hands as needed.
- Foods are received in good condition and from approved sources.
- Potentially hazardous foods are properly prepared, cooked, cooled, handled and stored.
- Consumer advisories are posted if needed.
- Proper methods are used to sanitize surfaces, utensils and equipment.
- Sick employees and unauthorized people are excluded or restricted as appropriate.
- Employees with illnesses transmissible through food are reported to the health authority.
- Bare hand contact with ready-to-eat foods is prevented.
- Employees have valid food worker cards and are properly trained for their duties.
- Employees understand the importance of food allergies and be aware of ways to eliminate potential allergic reactions.

Demonstration of Knowledge

During an inspection, the PIC will need to demonstrate knowledge to the inspector. Knowledge must be demonstrated in one of three ways:

- Compliance with the Code. No "Red" High Risk violations noted on the current inspection report.
- Certification. Valid certificate from an ANSI-accredited manager certification course (such as ServSafe®).
- Correct answers to food safety questions and allergy related questions asked by the inspector.







What Kind of Questions Will be Asked of the Person in Charge?

If the establishment has "Red" High Risk violations during its inspection and the PIC does not have a valid manager certificate, the PIC must correctly respond to questions regarding food safety practices. The regulatory authority may not ask questions that do not directly relate to the food handling in your operation.

Depending on the foods prepared at your establishment, the questions will be from areas of knowledge such as these:

Foodborne Disease

- Relationships between foodborne disease, hand-contact, personal hygiene and cross contamination.
- Prevention of transmission by an ill food employee.
- The modes of transmission.

Potentially Hazardous Foods

- The hazards involved in eating under-cooked animal products.
- Temperatures and times for receiving, holding, cooling, cooking and reheating.

Contamination Prevention

- Proper food storage and handling.
- The procedure for cleaning and sanitizing utensils and other food contact surfaces.
- Protecting the water source, including the prevention of cross connections.
- Identifying toxic materials and ensuring safe handling, storage and disposal.

Operating Procedures

- Food safety procedures in the establishment.
- Explanation of the HACCP plan, if required at the establishment.
- Identifying critical control points (CCPs) in the operation from purchasing through sale or service that, if not controlled, may contribute to the transmission of foodborne illness.
- The responsibilities of food workers, PICs and the regulatory authority as stated in the food rule.

Rev. 2/13/17



Consumer Advisory

Handbook for Excellent Restaurant Operations

A consumer advisory is a publicly-posted notice that certain ready-to-eat foods pose a health risk because they are not processed to destroy pathogens. Consumer Advisory consists of two parts:

Disclosure and Reminder.

Disclosure—identification of the animal foods served undercooked must:

- Be written
- Be on the menu (or otherwise presented to customers in writing at the time they place their order).
- Identify the food items that are served raw or undercooked

Reminder—statement of the health risk of consuming these foods must:

- Be written
- Be printed on the menu where customers can easily find it or otherwise presented to customers

Why is Consumer Advisory Required?

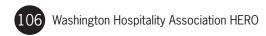
The intent of Consumer Advisory is to notify consumers of the increased risk so they are better able to make informed ordering decisions.

Who Needs to Post a Consumer Advisory?

All food establishments that serve raw or undercooked animal foods or unpasteurized, packaged juices are required to post a Consumer Advisory.

Animal Foods Traditionally Served Raw or Undercooked Include:

- Hamburgers and steaks, cooked to order
- Oysters and other shellfish
- Fish (sushi, sashimi and ceviche)
- Eggs served undercooked (fried, poached, sunny-side up, "runny")
- Eggs undercooked as ingredients (sauces, eggnog, tiramisu, mousse, meringue pie, Caesar salad dressing, fresh mayonnaise)
- Carpaccio, steak tartare







Are There Any Options to Putting the Reminder on the Menu?

An option to printing the reminder statement on the menu is to publicly provide a Consumer Advisory brochure that meets the guidelines set by the Food and Drug Administration (FDA). The brochure must be readily accessible to consumers—they can get it without having to ask for it—prior to placing their food orders.

What if I Only Have One Item on My Menu That Needs a Consumer Advisory (i.e. Raw Oysters)? Consumer Advisories may be tailored to be product-specific if a food establishment serves only certain animal foods raw or undercooked. For example, a raw bar serving oysters on the half-shell, but no other raw or undercooked animal food, could change the reminder to: "Consuming raw oysters may increase your risk of foodborne illness."

The following is an example of potential solutions for you to meet the consumer advisory requirement. If you had a five item menu that contained the following items: grilled Cajun chicken (no raw product) / New York steak (Cook to order – potentially raw product) / caesar salad (with dressing that contains raw egg) / Sushi (raw product) / wood-planked salmon (no raw product).

Option #1 Disclose the raw or potentially raw items in the menu item description and place the reminder alone at the bottom on the menu. For example:

Grilled Cajun Chicken – Enough kick to bring a tear to your eye and sweat to your brow\$15.99 New York Steak - Genuine USDA Choice Cut perfectly grilled to order.\$15.99 Caesar Salad – Our version of the classic made with our homemade oldfashioned dressing that contains fresh garlic, raw eggs and just the right amount of seasoning\$15.99

Sushi – The finest raw tuna hand rolled by our very own Asian cuisine experts ...\$15.99

Wood-planked salmon – 11 oz. fresh salmon lightly seasoned and grilled....\$15.99 "Consuming raw or undercooked

meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."

Option #2 Asterisk the raw or potentially raw items on the menu and combine the disclosure and the reminder at the bottom on the menu. For example: Grilled Cajun Chicken - Enough kick to bring a tear to your eye and sweat to vour brow......\$15.99 New York Steak * - Genuine USDA Choice Cut perfectly grilled.\$15.99 Caesar Salad* - Our version of the classic made with our homemade oldfashioned dressing......\$15.99 Sushi* Hand-rolled by our very own Asian

cuisine experts ..\$15.99 Wood-planked salmon – 11 oz. fresh salmon lightly seasoned and grilled....\$15.99

*May contain raw or undercooked animal product. Such items may increase your risk of foodborne illness, especially if you have certain medical conditions."

Option #3 Asterisk the raw or potentially raw items on the menu and at the bottom on the menu inform the customer that more food safety information is available. For example: Grilled Cajun Chicken – Enough kick to bring a tear to your eye and sweat to your brow......\$15.99 New York Steak* - Genuine USDA Choice Cut perfectly grilled to order.\$15.99 Caesar Salad* - Our version of the classic made with our homemade oldfashioned dressing that contains fresh garlic, raw eggs and just the right amount of seasoning\$15.99

Sushi* – The finest raw tuna hand rolled by our very own Asian cuisine experts..\$15.99

Wood-planked salmon – 11 oz. fresh salmon lightly seasoned and grilled....\$15.99

*Regarding the safety of these items, written information is available upon request.

Rev. 12/4/2014



Sick Worker Restriction and Exclusion

Handbook for Excellent Restaurant Operations

Employee Health

Healthy food workers are one of the most important ingredients in foodborne illness prevention. To protect public health, ill food employees must either be restricted from certain food handling activities or excluded from working in food establishments.

Employee Illness

According to the food rule, ill employees have:

- **Symptoms** of a gastrointestinal infection (such as diarrhea, vomiting or jaundice)
- Diagnosed infections from one of the 'Big 4' (Salmonella, Shigella, Shiga toxin-producing E. coli, or hepatitis A)
- Infected, uncovered wounds
- Discharges from the eyes, nose or mouth (persistent sneezing, coughing or runny nose) even when caused by non-infectious sources such as allergies.

An ill food worker must report these conditions to the Person in Charge (PIC) and be restricted from food or beverage handling.

Responsibilities of the PIC

The new food rule requires that PICs:

- 1. Inform employees of the need to report the above conditions to the PIC
- 2. Recognize the diseases that are transmitted by foods
- 3. Restrict ill employees from working with food and beverages
- 4. Notify the regulatory authority when a food employee has jaundice or an infection that can be transmitted through food

Diseases Transmitted Through Food

A list of diseases spread by infected food workers is published each year. Available on the Federal Register, the list includes Norovirus, Hepatitis A, Salmonella, Shigella, Staph. aureus, Strep. pyogenes, certain types of E. coli, and a few other, less common, infections.

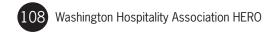
Restriction

When an ill employee is restricted, he or she may not work around unpackaged foods, food preparation areas, food distribution areas, or clean utensils. Unless excluded by the regulatory authority, a restricted employee may work where there is wrapped food and wrapped single-use articles, or with soiled utensils and soiled food equipment.

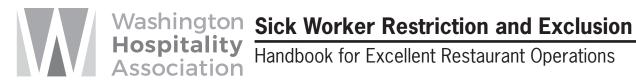
Examples of allowable activities include running the cash register, seating patrons, stocking dry goods, bussing tables and performing building maintenance. A restricted employee may return to regular food service activities when the symptoms of illness are gone.

Exclusion

Some illnesses (such as the Big 4) require that the regulatory authority exclude the ill employee from working in







the establishment until medically cleared. If a facility has different sections (such as in a department store) the employee that is excluded from food service may be permitted to work in an area that is away from the food preparation, service or storage areas.

Restriction, Exclusion and the ADA

The food rule requires that ill food employees be restricted or excluded, but the Americans with Disabilities Act (ADA) requires that employers make reasonable efforts to accommodate the employees by finding alternative duties that do not threaten public health or cause an undue hardship on the business.

A guide to help food service employers comply with both the FDA restriction and exclusion requirements and the ADA's requirements for accommodation is available from the US Equal Employment Opportunity Commission. www.eeoc.gov/facts/restaurant_guide.html

Other medical conditions

Certain medical conditions, such as Crohn's disease, Hepatitis C and Irritable Bowel Syndrome, can cause gastrointestinal symptoms that do not spread illness. If an employee with these conditions provides medical documentation to the regulatory authority, the employee may work in food service without special restriction.

Other employee hygiene factors

Controlling food contamination from employees also requires preventing bare hand contact and effective hand washing. These cornerstones to food safety also have several provisions that were modified in the new food rule and are discussed in the section entitled Employee Health.

Rev. 12/4/14



Hand Washing

Handbook for Excellent Restaurant Operations

It's All in the Hands...

Foodborne illnesses from ill food workers are spread by the hands. Many of the employee hygiene requirements in the food rule are designed to prevent the spread of these fecal-borne illnesses. Restricting ill food workers from handling food is required for food safety, but may not be used alone. Here are examples of why restriction must be used with hand washing and prevention of bare hand contact to prevent foodborne illness:

Carrier-State

Carriers are people able to spread illness without showing symptoms.

Varied Times of Infectivity

Not only can illnesses be transmitted when symptoms are present, but many illnesses can be spread before symptoms appear or after symptoms are gone. For example, Norovirus (sometimes called the "cruise ship virus") can be spread for several days after the diarrhea and vomiting have stopped.

Varied Immune Response

Because of age, general health status, and other factors, people have varying abilities to fight disease. Germs that cause slight illness in some may cause severe illness in people with lower levels of immune protection. Many people infected with hepatitis A, for example, have a relatively mild illness. Other people, such as those over 50 years old or with liver disease, are more likely to have severe illness including possible death. Restricting food workers known to be ill is essential in stopping the spread of disease, but may not be the sole prevention method. Hand washing and preventing bare hand contact are also required for optimal food safety.

Hand Washing Requirements

The food rule requires:

- Hands must be scrubbed for at least 15 seconds
- All hand wash sinks must have a hand washing sign reminding food workers to wash
- Water temperature must be at least 100°F
- Metered faucets must run for at least 15 seconds

Bare Hand Contact

The third step in reducing the transmission of foodborne illnesses from employees is to prevent bare hand contact with ready-to-eat foods. The revised food rule prohibits the handling of ready-to-eat foods unless otherwise approved by the regulatory authority. Food workers must use utensils such as deli tissue, spatulas, tongs or single-use gloves to handle foods that are ready-to-eat. If gloves are used, they must be thrown away after each use, between tasks, or when ripped. The food rule also states that food employees should minimize bare hand contact with all unpackaged foods, even those that are not ready-to-eat.

Other Personal Hygiene Issues

Cuts, Wounds and Sores

Cuts, wounds and open sores on the hands and arms must be covered by a waterproof bandage. When handling food or clean equipment, utensils or linens, food workers must cover bandages on the hands with a glove.







Fingernails and Jewelry

Food employees must keep their fingernails trimmed and may not wear fingernail polish during food preparation unless also wearing gloves. Food employees may not wear jewelry on the hands or arms while preparing food. Jewelry includes watches, rings, bracelets, and other adornments. One ring may be worn if covered by a food service glove.

Eating, Drinking and Tobacco

Food employees may not smoke or eat in areas where food or equipment contamination may result. Employees may drink from closed beverage containers, such as those with a lid and straw.

Clean Outer Clothing

Food workers are required to wear clean outer garments while preparing, serving, or handling food or clean equipment, utensils, and linens.

Hair Restraints

The food rule requires that food employees wear hair restraints such as hats or hairnets to keep their hair effectively controlled during food preparation. Employees such as front counter staff, hosts, wait staff and bartenders are not required to wear hair restraints if they present a minimal risk to contaminating food or equipment.

Rev. 12/29/17

When to Wash

Food workers are required to wash: **Before**

Starting to work with food, clean utensils, linens, or equipment

After

- Going to the restroom
- Handling raw foods
- Handling soiled utensils and equipment
- Eating, smoking, coughing, sneezing, or using a tissue
- Touching parts of the body other than clean arms or hands
- Handling animals

And...

 After handling any other potential source of contamination



Cooking Temperature Guidelines

Handbook for Excellent Restaurant Operations

Cooking is used to kill pathogens (microorganisms that cause disease) in food. To accomplish this vital step, cooking requires a combination of proper time and temperature measures. The correct method to measure proper cooking is a thermocouple or thermometer.

What determines cooking time and temperature? Cooking time and temperature must account for a number of factors to effectively destroy pathogens. These factors include the type of pathogen, the characteristics of the food and the cooking procedure.

Pathogen: Cooking times and temperatures are determined in part on a pathogen's susceptibility to heat. A pathogen's vulnerability will depend on the type, species or life stage of pathogen. For example, several species of bacteria are resistant to heat at certain stages but may have a growing stage that is easier to destroy.

Food characteristics: Because heat penetrates into different foods at different rates, food characteristics also affect cooking temperatures. For example, foods that are high in fat or low in moisture reduce the effectiveness of heat and will need to be cooked at higher temperatures or longer times.

Cooking procedures: Cooking procedures also impact the effectiveness of heat. Charring a roast at high heat will create a layer of insulation under the charred surface. The dry surface shields the inside of the roast from heat penetration increasing the needed cooking time.

Exceptions for cooking roasts: In addition to time and temperature, whole beef or pork roasts have cooking requirements based on:

- 1. Size of roast
- 2. Oven type (such as dry, convection or humidity ovens)
- 3. Final cooking temperature

For the specifics on cooking roasts, refer to the two charts in paragraph 3-401.11(B) of the revised food rule.

Cooking in the microwave - Animal foods cooked in a microwave must be:

- Rotated or stirred during cooking
- Covered to retain moisture
- Heated to at least 165°F
- Allowed to stand for at least two minutes after heating







| Minimum Cooking Temperatures (with required durations) | |
|--|--|
| 165°F (for 15 seconds) | Poultry Stuffed pasta, fish, meat, poultry, ratites (emu, ostrich) Stuffing or casseroles containing fish, meat, poultry, or ratites All raw animal foods cooked in a microwave Previously cooked and cooled potentially hazardous foods that are reheated for hot holding |
| 155°F (for 15 seconds) | Comminuted (ground, chopped, restructured, or combined) fish or meat, such as hamburger and sausage Note: Additional cooking times and temperatures are available, but must be approved by the regulatory authority before use in your establishment |
| 145°F (for 15 seconds) | Unpasteurized eggs (pasteurized eggs have no required cooking temperature) Fish or meat, including pork, that is not stuffed or comminuted (not including roasts, or as otherwise mentioned in the above cooking temperatures) Game animals that are inspected by the USDA |
| 145°F (surface) | Whole-muscle, intact beef steaks (as labeled by the processor) that have not been scored or tenderized must be cooked to have a color change on the surface |
| 140°F | Plant foods that will be hot held Ready-to-eat foods packaged by a food processing plant (such as hot dogs) that are heated for hot holding |



Cooling Temperature Guidelines

Handbook for Excellent Restaurant Operations

Cooked food is generally safest if prepared just before service, instead of cooked in advance or cooled for service another day. Because many bacteria survive cooking temperatures, and recontamination can easily occur, slow cooling provides opportunities for bacteria to grow or produce toxins that cause foodborne illness. Therefore, cooling must happen quickly.

Cooling Requirements

Potentially hazardous foods pass through the danger zone (135°F-41°F) rapidly during cooling.

- 1. From 135°F to 70°F within 2 hours
- 2. From 70°F to 41°F (or 45°F*) within 4 hours

This cooling provision requires temperature monitoring.

Exceptions To The Rule

Two specific methods of cooling have no time monitoring required.

- 1. Shallow pan: Food must be two inches or less, uncovered, at 41°F or less
- 2. Size reduction of whole meats: Intact pieces of whole (not ground, injected or comminuted) meats may be cut into slices no thicker than four inches thick. To speed cooling, the meat pieces must be spaced so they are not touching other pieces

Cooling Tips

- Refrigerate, freeze, or put the food in ice immediately after removing from the heat source.
- Allow for air circulation—do not overfill the refrigerator or stack cooling pans on top of each other.
- Use a two inch pan to chill foods.
- Use shallow containers to split foods into smaller portions.
- Allow for air circulation. Rapidly chill uncovered foods chill faster.
- If possible, substitute ice for water in the recipe. Adding ice at the end of the cooking process will help to cool the product. Remember to use a thermometer to check the temperature before placing into walk-in..
- Use blast chillers when possible.
- Make sure raw meat juices or contaminants can't drip onto cooling foods.
- Use a thermometer to make sure hot food cools:
 - From 135°F to 70°F within 2 hours
 - From 135°F to 41°F within 6 hours
- Do not cover food in the cooling process





The growth of bacteria in potentially hazardous food is controlled by time and temperature. For example, potentially hazardous food must be kept out of the Danger Zone except during active preparation, cooking or cooling.

The Food Code allows the use of time alone to control the growth of bacteria. This means that potentially hazardous food may be held at room temperature for up to four hours, as long as certain conditions are met. Time as a Control may be used for up to four hours during two low risk situations. These low-risk situations are when the potentially hazardous food is either:

- A working supply that will be cooked (such as a working supply of pizza ingredients), or
- Ready-to-eat and held for immediate consumption (such as sandwiches or samples of sliced melons)

Requirements

If time is used as the public health control, the following criteria must be met:

- 1. The food must be at proper temperature before the food is removed from temperature control. Cold foods must be 41°F or colder. Hot foods must be 135°F or hotter.
- 2. The food must be marked to indicate the time that is four hours from when the food is removed from temperature control. Food that is unmarked will be discarded. Acceptable marking methods include stickers, tape or paper liners. The key is to make sure that food workers and regulators can easily identify the amount of time that foods have been out of temperature control.
- 3. The food must be cooked, served or thrown away within the four hours. Once time is used as the control, the food cannot be placed under temperature control again to be saved and used at a later time.
- 4. Written procedures detailing how the above three requirements will be met must bemaintained in the food establishment. The procedures must be followed and must be available to the person in charge and regulatory authority.

This provision is intended for food that will be consumed or served quickly. It is important to realize that once food is taken out of temperature control, it must be consumed or cooked within four hours, or it must be discarded. The food may not be cooled, refrigerated, reheated or frozen for use at another time.

Rev. 12/4/14



Temperature Danger Zone

Handbook for Excellent Restaurant Operations

The "Danger Zone" is the temperature range in which most bacteria are able to grow in potentially hazardous foods. Because several bacteria that cause foodborne illness have been shown to grow at 45°F the Danger Zone is 41°F to 135°F.

If your current equipment is able to keep food 45°F but *unable* to keep food 41°F, you have until May 2010 to replace the cooler with compliant equipment.

- The five-year grace period is only for machines unable to meet the requirement—if your cooler is mechanically able to keep foods 41°F, you will be required to adjust it to meet the required temperature.
- If your cooler is unable to keep foods 45°F or colder, it must not be used for potentially hazardous foods.

Why isn't the colder temperature required for eggs? Shell eggs can still be stored at an ambient temperature of 45°F or colder because the bacteria of concern, Salmonella Enteritidis, is inhibited at 45°F. This temperature is also consistent with the USDA temperature requirement for eggs during transport.

Potentially Hazardous Foods

Potentially Hazardous Foods (PHF) are foods that require time and temperature control to prevent bacterial growth or production of bacterial toxins. PHF must be kept out of the Danger Zone for food safety.

Cooked fruits and vegetables are on the list of Potentially Hazardous Foods, which include:

Animal products:

- Meat, fish, and poultry
- Dairy products, including custard pies
- Eggs (except for air-dried, hard cooked eggs with an intact shell)

Fruits and vegetables:

- Raw seed sprouts
- Sliced melons
- Garlic and other herbs in oil
- Cooked fruits or vegetables
- Cut leafy greens
- Cut tomatoes

Cooked starches:

Potatoes, legumes, beans, rice

Although fresh, frozen or canned fruits and vegetables are ready to eat at any temperature, it is required that they be cooked to 135°F if they will be hot-held. The hot holding temperature for cooked plant foods is also 135°F to prevent the growth of disease-causing bacteria that might be present.

Rev. 12/17/12







Here's a quick overview of technology options that can help Seattle hotels comply with Seattle Municipal Code (SMC) 14.25, which concerns hotel employees' health and safety. SMC 14.25 has been in effect since Nov. 30, 2016.

SMC 14.25 requires Seattle hotels with 60 or more guest rooms or suites of rooms to equip employees who work alone in guest rooms with a safety alert system. The system must be able to summon immediate, onscene assistance from another employee, security guard or representative of the hotel employer. Here are some alert system options currently available for hotels:

 An App: GuardianMPS GuardianMPS is an app that provides the location of the device with the app when a button is pushed. It also gives the staff member's last assignment and live audio feed when the panic alarm is sounded. GuardianMPS monitors panic alarms 24 hours, seven days a week, and alerts the hotel team in an emergency.

www.guardianmps.com

Contact Ron Bleakney at 781.697.8841 or Ron.Bleakney@guardianmps.com.

 A Button: RF Technologies PinPoint RF Technologies PinPoint is an easy-to-conceal panic button that uses the hotel's Wi-Fi to communicate with a server. When the pendant button is pushed, location information is collected from the Wi-Fi network and reference tags in the area. The signal passes through a server to all security monitoring computers and available mobile devices.

www.rft.com.

Contact Marina Willis at 262.373.5122 or MWillis@rft.com.

 Two-Way Radios: Bearcom Wireless Worldwide Another option for hotels is to equip staff members with two-way radios that can be used like walkietalkies in the case of an emergency.

www.bearcom.com

Contact Eric Lyon at 206.262.629 or Eric.Lyon@bearcom.com.



Employee Safety Alert Systems for Hotels

Handbook for Excellent Restaurant Operations

In the Cloud: Amadeus HotSOS
 HotSOS is a cloud-based, service-optimization enterprise solution that enables staff members to
 virtually connect and manage their department from anywhere on any device. Employees can send
 alerts in real-time to report any guest or staff incidents or service delays.

www.amadeus-hospitality.com/amadeus-service-optimization

Contact Sarah Taveprungsenukul at 615.613.8663 or saraht@amadeus.com.

The systems listed above are only some of the safety alert systems currently on the market. We recommend working with your team to find the system that is best for your hotel and complies with the law.

Rev. 1/3/18





Check to See If You Have a Food Truck

Does your food truck or trailer require an L&I inspection? If it does, you must get the inspection done before you start your food truck business. First, answer **Yes** or **No** to the following questions:

- Will you sell food or other items from the truck/trailer at temporary sites?
- Is the truck/trailer licensed as a vehicle?
- Do people work inside?
- Do customers stand on the outside (and not go inside)?
- Does it have **at least** one of the following:
- Electrical system 120v or greater.
- Water or drain system.
- Propane gas piping system.
- Is the truck/trailer no more than 8.5 feet wide?

If you answered "Yes" to all the questions above, you have a food truck or trailer. Check to see if you must submit plans, Go to Step 2

If you answered "No" to any of the questions, you may have another type of unit that may require L&I approval. For example:

- If customers can go inside, you may have a commercial coach or modular building. Please contact the plan review staff at 360.902.5218, or Craig.Sedlacek@Lni.wa.gov.
- If employees work outside, you may have a push cart or food delivery truck. These are not regulated by Labor & Industries. Contact the state Department of Health and/or local health department at http://www. doghousecarts.com/business/food-cart-license/washington-department-of-health-food-cart-license.

Note: Be sure to check with all local building departments where you plan to use your unit. Some building departments may not allow the use of food trucks / trailers in their jurisdiction. You may be required to have a **commercial coach** in that jurisdiction. For additional information on operating a mobile food vending business, visit http://www.growseattle.com/restaurant/street-food-vending.

Step 2 - Do You Need to Submit Plans?

If food trucks have certain items included, then you must submit plans to L&I. First, answer **Yes** or **No** to the following questions. Do you have:

- Commercial cooking equipment, such as a deep fryer, stove, or oven, which will require a commercialgrade ventilation hood and — in many cases — a fire suppression system? (This does not include espresso machines and other small, plug-in electrical appliances.)
- Cooking equipment that uses solid fuels such as wood or charcoal?
- A propane (or other fuel gas) piping system?



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- An electrical system more than 30 amps, more than 120 volts, or more than five (5) circuits?
- A source of alternate energy such as a photovoltaic system, or fuel cells?
- A bathroom or other plumbing for bodily waste?
- Does any equipment weigh more than 500 pounds?

If you answered "Yes" to any of the questions, you need to submit plans to L&I and have them approved, before an inspection can take place. Go to Step 3.

If you answered "No" to all of the questions, then you do not need to submit plans. You still need an inspection for your vehicle. Skip to Step 4.

Step 3 - Submit Plans

Here's how to submit plans and get your food truck inspected.

First, download a plan review packet at http://www.lni.wa.gov/TradesLicensing/FAS/files/FoodTruckCompletePacket.pdf . It has examples of drawings and other information we will need to approve your plan. **L&I will need two copies of your plans.**

Next, fill out the applications:

- Plan Approval Request (F622-035-000): Conversion Vendor Units Application at http://www.lni.wa.gov/ FormPub/Detail.asp?DocID=1852
- Application for Insignia Conversion (F623-021-000): Vendor Units at http://www.lni.wa.gov/FormPub/ Detail.asp?DocID=1871

Finally, include payment of \$128.40 for plan review and insignia. We will notify you to schedule an inspection (see below).

Mail the completed packet to:

Department of Labor & Industries
Factory Assembled Structures
7273 Linderson Way SW
PO Box 44430
Olympia WA 98504-4430

Or, go to your local L&I office. You can pay the fee by cash, check, money order, Visa, or Mastercard.

NOTE: It will take 2-4 weeks for L&I to review plans. L&I will notify you if we need more information or if your plans have been approved.

The department will notify you to schedule an inspection.







Be ready for the inspection. Use this pre-inspection checklist (F622-072-000) at http://www.lni.wa.gov/ FormPub/Detail.asp?DocID=2176 to prepare for the inspection.

Remember: You will still be charged for an inspection even if your truck isn't ready.

Additional fees will be charged if extra inspections are necessary.

Once your truck passes inspection, you will have completed L&I requirements for your food truck.

Step 4 - Inspection Only

Don't need to submit plans? You still need an inspection.

Food trucks need to be inspected to receive an L&I insignia. You need an inspection before starting your food truck business. Here's how:

First, fill out the application for food trucks and concession trailers not requiring inspections at http://www.lni. wa.gov/TradesLicensing/FAS/FoodTruckTrailer/PlanExemptInsigniaApplication.pdf. The form indicates you don't need a plan, but still need an inspection to obtain your food truck insignia.

Next, include a payment of \$37.60 for the insignia. L&I will notify you to schedule an inspection (see below).

Mail the completed packet to:

Department of Labor & Industries Factory Assembled Structures 7273 Linderson Way SW PO Box 44430 Olympia WA 98504-4430

Or, go to your local L&I office. You can pay the fee by cash, check, money order, Visa, or Mastercard.

NOTE: It will take about 10 days for L&I to process your application. We will contact you to schedule an inspection.

Be ready for the inspection. Use this pre-inspection checklist (F622-072-000) at http://www.lni.wa.gov/ FormPub/Detail.asp?DocID=2176 to prepare for the inspection.

Remember: You will still be charged for an inspection even if your truck isn't ready.

Additional fees will be charged if extra inspections are necessary.



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Once your truck passes inspection, you will have completed L&I requirements for your food truck.

Note: New law requires L&I inspections

A new law that went into effect June 21, 2016, requires L&I to inspect all food trucks. Previously, food trucks used outside Washington for six months or more were generally exempt from state standards. The new law, SHB 2443, removes the exemption.

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Restaurants—with their open flames, hot equipment, electrical connections, cooking oils, cleaning chemicals and paper products—have all the ingredients for a fire to flame out of control. Nearly 8,000 eating and drinking establishments report a fire each year according to the National Fire Protection Association. The NFPA also reports that the leading area of origin for structure fires in hotels and motels is the kitchen, which is where 41 percent hotel and motel fires start.

A fire can devastate your business and harm your guests and staff, possibly leading to permanent closure. But there are steps you can take to prevent fires and minimize the damage.

PREVENTATIVE MAINTENANCE

Install an automatic fire-suppression system in the kitchen. More than half of restaurant and hotel fires involve cooking equipment, and these systems automatically dispense chemicals to suppress the flames. They also automatically shut down the fuel or electrical supply to nearby cooking equipment. Have your firesuppression system professionally inspected semiannually. The manufacturer can refer you to an authorized distributor for inspection and maintenance.

Keep portable fire extinguishers as a backup. You'll need Class K extinguishers for kitchen fires involving grease, fats and oils that burn at high temperatures. Class K fire extinguishers are only intended to be used after the activation of a built-in hood suppression system. Keep Class ABC extinguishers elsewhere for all other fires (paper, wood, plastic, electrical, etc.).

Schedule regular maintenance on electrical equipment, and watch for hazards like frayed cords or wiring, cracked or broken switch plates and combustible items near power sources.

Have your exhaust system inspected for grease buildup. The NFPA Fire Code calls for quarterly inspections of systems in high-volume operations and semiannual inspections in moderate-volume operations. Monthly inspections are required for exhaust systems serving solid-fuel cooking equipment, like wood- or charcoal-burning ovens.

STAFF TRAINING

Training your staff on fire safety is critical, and Washington Hospitality Association's incipient firefighting course is a great place to start. Certified fire personnel will teach your employees how to use portable fire extinguishers and train them on appropriate response skills that are necessary to fight and control fires that are in the beginning or incipient stage. (Learn more at whaef.org/training/incipient-fire-fighting-training/).

The National Restaurant Association also offers these recommendations on its website:

- Have the right fire extinguishers in the right place, and make sure staff is trained on using them appropriately.
- Clean up grease and properly clean exhaust hoods, walls and work surfaces; ranges, fryers, broilers, grills and convection ovens; vents and filters.



Fire Prevention

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- Never throw water on a grease fire.
- Make sure cigarettes are out before dumping them in a trash receptacle. Do not allow smoking in or near storage areas.
- Store flammable liquids properly in well-ventilated areas away from supplies, food, food-preparation areas or any source of flames.
- Stay tidy to avoid fire hazards. Store paper products, linens, boxes and food away from heat and cooking sources.
- Properly dispose of soiled rags, trash, cardboard boxes and wooden pallets at least once a day. Note:
 Washing machines designed for home use do not have hot enough water to adequately remove oils and solvents from soiled rags.
- Use chemical solutions properly. Use chemicals in well-ventilated areas, and never mix chemicals unless directions call for mixing. Immediately clean up chemical spills.

You should also have an emergency plan and teach every new employee about closest exits, evacuation procedures and the proper usage of fire-safety equipment. Give veteran staff members a refresher course at least annually. On every shift you should have at least one worker training in how to shut off gas and electrical power in case of emergency, and have an evacuation manager on every shift who is in charge of calling 911, determining when an evacuation is necessary and ensuring that everyone exits the restaurant safely.

Source: National Restaurant Association

Rev. 12/14/16





What is the Hazard Communication rule?

The Hazard Communication rule requires you — the employer — to inform and train your employees about hazardous chemicals in your workplace.

Note: Washington State's new Hazard Communication rule, WAC 296-901-140, became effective April 15, 2013. It replaces the Employer Hazard Communication rule, WAC 296-800-170. The changes are based on the International Globally Harmonized System of Classification and Labeling of Chemicals (GHS) and are intended to improve comprehension of hazard information found on product labels. For more information about GHS and Hazard Communication, visit www.Lni.wa.gov/Safety/Topics/AtoZ/GHS.

The major changes include:

- Hazard Classification providing specific criteria for classification of health and physical hazards, as well as classification of mixtures.
- More standardized labels that feature:
 - Hazard pictograms
 - A signal word, such as "Danger"
 - Hazard statement for each hazard class and category, including precautionary statements
 - A product identifier and a supplier identifier
- Safety Data Sheets (SDSs) that follow a standardized 16-section format to replace Material Safety Data Sheets (MSDSs.)

Although content details on labels and SDSs are affected by the GHS, many of the current requirements are not changing. For example, requirements to distribute SDSs, label workplace containers and train employees remain the same.

Which state agency administers this rule?

The Washington State Department of Labor & Industries (L&I) administers this rule and other occupational safety and health rules through its Division of Occupational Safety and Health (DOSH). The Hazard Communication rule is part of the Washington Administrative Code, WAC 296-901-140.

Do I need to read the Hazard Communication rule?

Yes! You can easily access the full requirements of the rule at www.Lni.wa.gov/Safety/Rules/Chapter/901 . Visit the Hazard Communication topic page at www.Lni.wa.gov/Safety/Topics/AtoZ/GHS for additional resources. such as:

- A sample written program for chemical hazard communication
- Sample forms
- Training materials
- Safety videos

If you have one or more employees who handle or are exposed to chemicals at your workplace, you must comply with this rule to meet your obligations as an employer. Failure to do so could lead to safety and health citations and penalties.



Hazard Communication Rule

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Checklist of Requirements

In addition to reading the Hazard Communication rule, ask yourself the following questions to determine if your business has met all the safety and health requirements for the rule:

- Have we prepared a list of all the hazardous chemicals in the workplace?
- Do we update our hazardous chemical list regularly?
- Have we obtained or developed a Safety Data Sheet (SDS) for each hazardous chemical we use?
- Do we have a system to ensure that we check all incoming hazardous chemicals for proper labels and SDSs?
- Do we have procedures to ensure proper labeling or warning signs for containers that hold hazardous chemicals?
- Are employees aware of the specific information and training requirements of our hazard communication program?
- Are employees familiar with the different types of chemicals and the hazards associated with them?
- Have employees been informed of the hazards associated with performing non-routine tasks?
- Do employees understand how to detect the presence or release of hazardous chemicals in the workplace?
- Are employees trained about proper work practices and personal protective equipment in relation to the hazardous chemicals in their work areas?
- Does our training program provide information on appropriate first aid, emergency procedures and the likely symptoms of overexposure?
- Does our training program include an explanation of labels and warnings that are used in each work area?
- Does our training describe where to obtain SDSs and how employees may use them?
- Do we have a system to ensure that we train new employees before beginning work?
- Have we developed a system to identify new hazardous chemicals before we introduce them into a work area?
- Do we have a system for informing employees when we learn of new hazards associated with a chemical we use?
- Do we have a records retention system that will retain the SDSs or the alternative record for a minimum of 30 years?

Safety Data Sheets (SDSs)

1. If I buy a hazardous chemical from a retail outlet (such as rust remover from a hardware store or fertilizer from a nursery), who will provide the SDS?

Retail distributors are required to provide SDSs to only those customers with commercial accounts who make requests. The retailer must post a sign informing employers that an SDS is available. If you do not have a commercial account, you are responsible for requesting an SDS from the manufacturer, importer or wholesale distributor.







Wholesale distributors selling hazardous chemicals to employers over the counter may also provide SDSs upon the request of the employer at the time of the over-the-counter purchase, and they must also post a sign or otherwise inform such employers that an SDS is available.

If you do not have a commercial account and you purchase a hazardous chemical from a retail distributor not required to have an SDS on file (such as if the retail distributor does not have commercial accounts and does not use the materials), the retail distributor must provide you, upon request, with the name, address and telephone number of the chemical manufacturer, importer or distributor so that you can get an SDS.

SDS sheets can also be found using Google.

2. Are farm-chemical distributors required to provide SDSs?

Yes. All manufacturers, importers and distributors must provide SDSs to employers who purchase hazardous chemicals. This includes pesticide dealers. Pesticide applicators that sell pesticides are considered distributors for the purposes of the rule.

3. What should I do if I get an SDS with blank spaces on it?

Contact the manufacturer or importer for a complete SDS. The person who prepares the SDS must fill out the form completely. All elements of an SDS are now required; if no relevant information is found for any subheading within a section on the SDS, it must be marked to indicate that no applicable information was found.

4. Who is responsible for the accuracy of SDSs?

The manufacturer, importer or employer preparing the SDS must make certain the information accurately reflects the scientific evidence used in making the hazard determination.

5. Can SDSs be kept and made available electronically if employees have proper access and knowledge of how to use them?

Yes. The rule says that an SDS may be in any form if it contains the required information. You must make certain the required information is provided for each hazardous chemical and is readily accessible to employees in each work area on each shift.

6. How often do SDSs need to be updated?

Each SDS must be updated within three months of the time the manufacturer, importer or employer learns of any significant new information pertaining to the hazards of the chemical or ways to protect against the hazards.



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7. Do I have to obtain SDSs on hazardous chemicals we don't use very often?

Yes. You must keep an SDS on each hazardous chemical used in your workplace.

8. Do contractors have to make SDSs available to their employees when they are working at non-fixed locations, such as construction sites?

Yes. SDSs may be kept at the contractor's permanent base if employees leave and return from that location daily. Contractors who establish a temporary base, such as a trailer at a work site, are required to have SDSs available at the site.

9. Must SDSs be translated into a foreign language if most workers don't speak English?

No. However, a reasonable effort must be made to inform all employees of the hazards in the workplace. L&I will, upon request, aid with translations for the following languages:

Cambodian, Chinese, Korean, Spanish and Vietnamese.

10. Will L&I approve all SDSs?

No. L&l does not approve the content of SDSs but will review them on a spot-check basis for completeness and accuracy.

11. How are laboratories covered under the rule?

Laboratories, including school and college labs, have limited coverage under the rule as described in WAC 296-901-14004. They must follow the "Hazardous Chemicals in Labs" rule, WAC 296-828, if it applies.

12. Are laboratories required to obtain SDSs for all hazardous chemicals, even those that are old or infrequently used?

No. Laboratories are only required to keep SDSs that are received for hazardous chemicals. These SDSs must always be available to laboratory personnel. L&l recommends that laboratories obtain as many SDSs as possible to help in developing their training programs.

13. Are schools and colleges required to tell students about the hazards of chemicals they handle or are exposed to?

Teaching assistants, laboratory assistants and students employed by schools are covered under the Hazard Communication rule and must receive information and training.

14. If I don't get an SDS with a product, can I assume it's not hazardous?

No. You should call or write the manufacturer and ask for an SDS if you suspect a chemical may be hazardous.







Labels and Record Keeping

15. What does the rule require for labeling?

The Hazard Communication rule requires that all workplace containers of hazardous chemicals, including pesticides, be labeled, tagged or marked with at least the following information:

- Product identifier
- Signal word
- Hazard statement(s)
- Pictogram(s)
- Precautionary statement(s) (applies only to shipping activities)
- Name, address, and telephone number of the manufacturer, importer or other responsible party (applies only to shipping activities).

Pesticide container labels regulated by EPA satisfy this requirement. However, the Hazard Communication rule says that pesticides cannot be put into unmarked containers and left unattended. Powered-air spray tanks, handcarried tanks or backpack tanks do not need to be

labeled when – and only when – the employee using the container personally transferred the chemical from a labeled container and the solution will be used immediately by the same employee.

16. Do all containers need to be labeled?

No. Portable containers that meet the "immediate use" criteria of the rule do not have to be labeled.

17. Must labels be translated into a foreign language if the majority of workers don't speak English?

No. However, a reasonable effort must be made to inform all employees of the hazards in the workplace. L&I will, upon request, provide assistance with translations for the following languages: Cambodian, Chinese, Korean, Spanish and Vietnamese. Written request for translations may be sent to:

Department of Labor & Industries Right-To-Know Program P.O. Box 44610 Olympia WA 98504-4610

18. Do pipes and piping systems containing chemicals need to be labeled?

No. The rule requires only containers to be labeled. Pipes and piping systems are not considered containers for hazard communication. (Other regulations may require pipes and piping systems to be identified.) However, you must have a method of informing your employees of the hazards of non-routine tasks (for example, the cleaning



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of reactor vessels) and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

19. Does a list of SDSs satisfy the requirement of a hazardous chemical inventory?

Yes, if the product names or chemical names used on the inventory are the same as those used on the SDSs and labels. A copy of the list must be made available to employees.

Training Your Employees

20. If there is more than one employer at a single job site, who is responsible for employee training?

Each employer must train his or her own employees. However, if an employer hires employees on contract from a temporary employment service, the hiring employer is responsible for informing and training the temporary worker(s) about hazardous chemicals at the work site.

21. Will employees who rarely encounter hazardous chemicals need to be trained?

Yes. Employees must be trained on any hazardous chemical to which they could be exposed. Training should address the type of exposure possible and the degree of hazard involved.

22. Do I have to train employees about handling each brand of chemical?

No. Different brands of the same chemical have the same hazard. Information and training about one brand is considered to apply to the other brands.

23. Must workers be retrained whenever a new brand is introduced into the work area?

No. However, workers must be retrained whenever a new chemical hazard is introduced.

24. Does a packaged instructional program satisfy the requirements for training under the Hazard Communication rule?

No. General instructional programs can help to train your employees, but they will not completely satisfy the training requirements. You also need to create a written training program and provide training on the specific hazardous chemicals used in your workplace.

25. Is generic training acceptable if we use large numbers of chemicals?

Yes. The rule does not specify how training is to be performed. It only specifies who will be trained and the minimum content of the training. Grouping chemicals with similar hazards for training purposes is acceptable.







26. Do I have to keep records about who has received training on hazardous chemicals?

If you receive an L&I inspection, you will always need to provide a record of who was trained and how. Thus, we highly recommend that you keep these records.

General Provisions of the Rule

27. Does a complete list of hazardous substances exist?

No. However, there are several sources that list hazardous substances or criteria for determining whether chemicals are hazardous. These include the general occupational health standards (Chapter 296-62 WAC); Pre-GHS, Employer Chemical Hazard Communication (WAC 296-800-170); Permissible exposure limits (PELs) — Airborne Contaminants (WAC 296-841-20025); OSHA Guidance for Hazard Determination (www.OSHA.gov/dsg/ hazcom/ghd053107.html); and the latest edition of the ACGIH Threshold Limit Values Handbook, available online at www.acgih.org.

28. Can I conduct my own hazard evaluation of a chemical?

Yes. If you choose not to rely on the manufacturer's or importer's hazard evaluation, you have the right to evaluate a chemical yourself. You must follow the requirements for hazard determination as defined in the rule. You will be responsible for the completeness and accuracy of the data sheet.

29. If my company is small, or I use only one or two hazardous chemicals, must I still comply with the rule?

Yes, if you have employees, you must comply with the Hazard Communication rule no matter how small your company or how few hazardous chemicals you use.

30. Who is considered to be a chemical importer?

An importer is considered to be the first business within the customs territory of the United States that receives hazardous chemicals produced in other states or countries. Importers who are employers must also comply with the applicable sections of the rule.

31. Does the rule apply to refuse collectors and landfill operators?

Hazardous chemicals purchased for use by refuse collectors are covered under this rule, but materials received for disposal are not. Workers are protected from the hazards of disposal through the accident prevention program required under WAC-296-800-140.

32. Are contractors required to notify employers about hazardous chemicals on a job site?

Yes. Just as employers have the obligation to notify contractors about hazardous chemicals at the work site, contractors are required to provide SDSs at a central location for each hazardous chemical to which the



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employees may be exposed. They are also required to inform the employer of any precautionary measures necessary because of hazardous chemicals they use, and provide an explanation of the labeling system used for their hazardous chemicals.

How the Rule Applies to Different Chemicals or Products

33. Are off-the-shelf products covered under this rule?

Yes. Consumer products are considered hazardous if there are hazard warnings on the label that indicate a potential for physical or health hazards.

34. Are radioactive chemicals covered under this rule?

Yes. Since the purpose of the Hazard Communication rule is to protect employees from hazardous chemicals, radioactive chemicals are covered. Other radioactive materials, such as those used in medical treatment, are regulated by the Washington State Department of Health under WAC 246-220 through 254.

35. How are pharmaceuticals covered by the rule?

The rule covers pharmaceutical drugs such as antineoplastic (chemotherapy) agents, drugs that may cause eye or skin irritation, and drugs that have carcinogenic potential or known toxic effects when employees handle them.

Note: L&I adopted a Hazardous Drugs rule on Jan. 3, 2012, with implementation beginning Jan. 1, 2015. See the Hazardous Drugs topic page at www.Lni.wa.gov/Safety/Topics/AtoZ/HazardousDrugs for more information.

36. Are wood products exempt from labeling and SDS requirements?

Wood and wood products are exempt, but wood dust and chemical preservatives are covered and must be treated accordingly. In addition, if sawing, sanding or other processing releases wood dust into the air, the wood product is covered.

37. Are bricks and cinder blocks exempt from this rule?

Bricks and cinder blocks are exempt from the rule unless they are cut or drilled. Cutting or drilling bricks or cinder blocks releases silica dust into the air and silica is a serious health hazard. For more information about silica, see WAC 296-841 Airborne Contaminants at www.Lni.wa.gov/Safety/Rules/Chapter/841. Permissible Exposure Limits (PELs) for Airborne Contaminants can be found in WAC 296-841-20025 Table 3.

38. Are biological agents covered under this rule?

No. Biological agents such as microorganisms are not included in the definition of a chemical.







The Role of the Department of Labor & Industries

43. What will L&I do about manufacturers or importers located outside Washington who do not provide SDSs?

L&I will take administrative and legal action, if necessary, to get SDSs from uncooperative manufacturers, importers or distributors. Federal OSHA will also assist in obtaining SDSs.

44. Will L&I evaluate the validity of trade secret claims?

Yes, however, L&I will use discretion in selecting specific claims for evaluation.

Hazardous Chemicals in Communities

45. Whom do I contact about hazardous chemicals in my community?

The Washington State Department of Ecology administers the Community Right to Know Act and other hazardous-waste disposal laws. For information about hazardous chemicals in your community, visit www.ecy.wa.gov/epcra.

Starting Your Employee Training Program

The Hazard Communication rule requires you to develop and maintain a written training program for both new and experienced employees and to give all your employees information about the program.

Employees who are directly or potentially exposed to hazardous chemicals on the job must receive additional information on the particular hazards of the chemicals to which they are exposed or potentially exposed. They also must be trained. You also must provide training when a new chemical hazard is brought into the workplace.

Hazard communication training information and materials are available at www.Lni.wa.gov/Safety/Topics/ AtoZ/GHS. You will need to add information specific to your workplace to meet the training requirements.

Step 1: Know the requirements

Read the employee training requirements of the Hazard Communication rule — WAC 296-901-14016.

Step 2: Identify employees who must be trained

Determine which employees are exposed or potentially exposed to hazardous chemicals in your workplace. These employees require training beyond the information provided to all employees. (See the sidebar on Page 15, How to Determine Your Employees' Exposure to Chemicals.)



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Step 3: Inform all employees

Develop a program to inform all employees about:

- The requirements of the Hazard Communication rule.
- Any operations in their work areas that involve hazardous chemicals.
- The location and availability of the written hazard communication program, including the list(s) of hazardous chemicals and SDSs.

Step 4: Train employees who may have actual or potential exposure

The information and training your employees receive must be tailored to the types of hazards and exposures they encounter. This training must cover:

- Details of the hazard communication program. The program and training should explain the labeling system and SDSs, and include instructions on how to obtain and use hazard information.
- The location of your written hazard communication program, lists of hazardous chemicals and data sheets.
- How these employees can detect the presence or release of hazardous chemicals.
- Physical and health hazards of hazardous chemicals in the work area, information about first aid, emergency procedures and the likely symptoms of overexposure.
- How employees can protect themselves through exposure control methods, including work practices, engineering controls, administrative controls, personal protective equipment and emergency procedures.
- When and how to report leaks and spills.
- Where to get more information.

Consider a system for documenting employee training. For example, employees could sign a form to verify that they attended the training and understand the company's hazard communication policy. This is not a requirement but is a recommended option for your program.

Follow up after training sessions. Be sure that employees know how to handle chemicals and are using the training they were given. When your employees use protective equipment, be sure to keep it clean and properly maintained. Make certain it is available to your employees and they are using it.

How to Determine Your Employees' Exposure to Chemicals

Follow each chemical from storage through use to disposal. Determine which employees are or could be exposed to it.

Review your existing methods for controlling exposure to hazardous substances. The best method is to eliminate the hazard at the source. If elimination is not possible, control the hazard at its source with engineering controls, or limit worker exposure using administrative controls. If these two methods are not enough to remove or reduce the worker exposure to acceptable levels, then use personal protective equipment. List specific procedures for each work area and substance.







- 1. Engineering controls, including exhaust ventilation systems, dust collection systems and process enclosures.
- 2. Administrative controls, such as having a standby person for confined-space entry, rotating employees to reduce exposure, lockout/tagout procedures and substituting a non-toxic or less toxic chemical.
- 3. Personal protective equipment you provide such as respirators, gloves, boots, aprons, goggles and face shields.

Review your current chemical handling procedures and compare them to recommended practices indicated on the label or SDSs. This will help identify where you may need to improve your procedures.

List the emergency procedures for each work area and each substance.

Good emergency response procedures help protect the safety and health of your employees and reduce the potential loss of property and equipment.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.

Reference:

F413-012-000

Rev. 1/17/18



Workers' Compensation

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What is workers' compensation?

Workers' compensation (industrial insurance) coverage protects both workers and employers from the financial impact of a work-related injury or occupational disease.

It pays for injured workers' approved medical, hospital and related services that are essential to their treatment and recovery. An injured worker who is temporarily unable to work also receives partial wage replacement payments.

As an employer or prospective employer, you must provide workers' compensation insurance coverage for your employees. Coverage is mandatory. In return, your employee ordinarily cannot sue you for damages when a work-related injury or illness occurs.

Employers purchase coverage through the Department of Labor & Industries (L&I). L&I manages all claims and pays benefits out of an insurance pool called the Washington State Fund. The fund is financed by premiums paid by employers and employees, not by general revenue taxes.

However, employers may qualify for self-insurance if they demonstrate they have sufficient financial stability, an effective accident prevention program, and an effective administrative organization for a workers' compensation program.

Mandatory Coverage

Generally employers must provide workers' compensation (industrial insurance) coverage for their employees and other eligible workers.

There are two ways to provide this coverage depending on the financial resources of your business. Most businesses participate in the state's workers' compensation program — the Washington State Fund. Companies with at least \$25 million in assets, and some governmental entities, may qualify for self-insurance.

The Department of Labor & Industries, Insurance Services Division, manages the Washington State Fund. This fund derives its income solely from premiums paid by you and your employees. The fund receives no money from general tax revenues.

All Washington workers must be covered through the State Fund or by a certified self-insured employer, unless they are subject to an exclusion listed in the next section.

Excluded Employment

The information provided in this section is a summary. For a complete description of excluded employment, please see RCW 51.12.020.

Workers not covered

You are not required to provide coverage for the following employees. These are the only exclusions allowed:

- 1. A domestic worker in a private home. However, if two or more are employed regularly for 40 or more hours each per week, all must be covered.
- 2. A person employed to do gardening, maintenance, repair or similar work at an employer's private home. This does not include an individual hired to do home improvements or upgrades.







- 3. A person who is not a regular employee of the trade, business or profession of the employer and is not working at the employer's private home. This exclusion refers to a person hired to perform a personal errand or chore that benefits the employer as an individual, but not the business. For example, a professional golfer would need to provide coverage for a golf caddy, but a recreational golfer would not.
- 4. A person working only in return for aid or sustenance from a religious or charitable organization.
- 5. A child under age 18 employed by a parent in agricultural activities on the family farm.
- 6. A horse-racing jockey who is participating in a racing meet.
- 7. An employee whose work activity is covered through the Federal Employees' Compensation Act, Longshoremen's and Harbor Workers' Compensation Act, Jones Act, or Law Enforcement Officers and Fire Fighters Compensation Plan.
- 8. Musicians or entertainers, if:
- Your primary business is other than entertainment.
- They don't also work for your primary business.
- They don't perform on a regular and ongoing basis for you.

Example: A bar owner is not required to report a musician as long as the musician doesn't also work in the bar when not performing and the contract is **not** regular and continuous (such as a long-term piano player at a piano bar).

- 9. Newspaper carriers or vendors who distribute newspapers to residences, businesses, or on the street, and freelance journalists or photo journalists who are paid solely by piece work and use their own equipment.
- 10. An insurance producer.
- 11. A cosmetologist, beautician or barber who rents or leases booth space.
- 12. A driver providing commercial transportation services as defined in RCW 48.177.005.
- 13. For-hire vehicle operators who own or lease the for-hire vehicle, chauffeurs who own or lease the limousine, and operators of taxicabs who own or lease the taxicab.

Business owners, partners, corporate officers and members/managers

Individuals who own and control any type of business are generally excluded from mandatory workers' compensation coverage. However, there are limits on both the number of owners who can be excluded and the level of control required for exclusion. There are also special provisions for some family-run businesses. If you own and operate a business and have questions about your excluded status, please contact the Employer Services Help Line at 360.902.4817.

Optional (Elective) Coverage

Workers' compensation coverage is available for some individuals excluded from mandatory coverage. This coverage is referred to as optional or "elective" coverage.

To apply for "elective" coverage, you must complete and return an Application for Elective Coverage. For more information, contact the Employer Services Help Line at 360.902.4817.

Student Volunteers, unpaid students and unpaid student interns

Businesses may elect optional "elective" coverage for their student volunteers in public and private K-12 and intuitions of higher education who are working without wages as part of a school program. Business may elect optional "elective" coverage for unpaid students and unpaid student interns in a work-based



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school-sponsored program. For a complete description of student volunteers and unpaid students, please see RCW 51.12.170.

Note: Individuals who elect optional coverage are considered to be an employee of the business/company for purposes of workplace safety and health regulations under the Washington Industrial Safety & Health Act (WISHA).

Insuring Minors

Workers' compensation laws protect virtually all employees, including minors (workers under 18 years of age). Even minors working for a parent in the family business are covered. The only exception is a minor working on a family farm.

Before you hire a minor employee, you must obtain a minor work permit endorsement on your Business License. You will also need to have a signed Parent/School Authorization form and proof of the minor's age. Parent authorization is still required during non-school weeks.

In addition to the administrative requirements for hiring minors, you are responsible for knowing the limits on their hours of work and which specific work activities are prohibited. You can be assessed civil penalties or be subject to criminal penalties for violating child labor laws.

For more information:

- On the Web at Lni.wa.gov/TeenWorkers.
- Telephone: 360.902.5315 or 866.219.7321.
- Email: TeenSafety@Lni.wa.gov.

Paying premiums for out-of-state Washington workers

Premiums must be paid to L&I when you have Washington workers in another state or province for fewer than 31 days in a calendar year. It does not matter if premiums are paid out of state or not. If your Washington workers are in another state for more than 30 days, then you may apply for out-of-state reporting if:

- There is no reciprocal agreement directing you to report these workers to Washington.
- You can prove you're paying premiums for these workers to an out-of-state workers' compensation insurer.
- Out-of-state reporting allows you to report out-of-state hours and wages without paying premiums to L&I.

If you are bringing out-of-state workers temporarily into Washington, you do not need to pay premiums to L&I if:

- There is a reciprocal agreement that assigns coverage to the worker's home state.
- There is no reciprocal agreement, but you insure the worker for workers' compensation in their home state
 and the work performed in Washington doesn't require registration as a contractor or electrical license to
 perform.

Note: The home state insurer must be willing to cover all claims costs incurred in Washington. If not, you may be subject to premium assessment, penalties for not reporting, interest on unpaid premiums and a penalty of between 50% and 100% of the cost of a claim. Even if the home state insurer provides coverage, you could be held responsible for any benefits not offset by the out-of-state insurer and paid by L&I. You can always choose to cover your out-of-state workers in Washington while working temporarily in Washington, but L&I will not cover these workers while working out of state.







Employers bringing out-of-state workers temporarily into Washington, who are required to or choose to pay premiums in Washington, can apply for coverage at www.BLS.dor.wa.gov.

For more information, please see www.Lni.wa.gov/OutOfState or contact the Employer Services Help Line at 360.902.4817.

Independent Contractors

Generally, you are not required to provide coverage for independent contractors who are appropriately licensed to engage in business if the contract is outside your normal course of business.

Example: A restaurant owner hiring someone with current required licenses to provide architectural services to others does not need to report this work for workers' compensation coverage.

Self-Insured Businesses

Employers with substantial resources (at least \$25 million in assets) and an effective accident prevention program may qualify to provide workers' compensation insurance coverage for their employees through selfinsurance.

To qualify, an employer must meet certain criteria as outlined in Washington Administrative Code (WAC) 296-15-021.

A self-insured employer assumes all risks and costs of workers' compensation coverage. Self-insured employers manage all aspects of their workers' compensation claims, including authorizing benefits according to Title 51 RCW and paying all benefits out of company funds.

L&I must certify self-insured employers.

Reporting and recordkeeping for self-insured employers vary from those of employers covered by L&I. If you are interested in applying for self-insurance, please see the Employers' Guide to Self-Insurance in Washington State at www.Lni.wa.gov/IPUB/207-079-000.pdf.

For more information:

- On the Web at Lni.wa.gov/Selflnsurance.
- Telephone: 360.902.6861

Opening an Account

To obtain workers' compensation coverage through the Washington State Fund, you must open an account by completing and returning a Business License Application. This form is available online at www.BLS.dor. wa.gov or from offices of the departments of Revenue, Employment Security or Labor & Industries, or from the Corporations Division in the Secretary of State's Office in Olympia.

If you own an existing business and will be hiring employees, please re-file the Business License Application, indicating you are hiring. Once you open an account, you will be assigned an L&I account manager who can answer questions specific to your company.

Employer Classifications

The basic premium for your workers' compensation coverage depends on the risk classification or classifications assigned to your business.



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There are approximately 300 classifications. Each refers to a type, or several types, of business activity and has its own basic insurance rate. This rate reflects the risk of workplace injury or disease in the industry as a whole or industry activity.

Generally, it is the nature of business of the employer that is classified, not the separate occupations or operations of individual employees within the employer's business.

When you apply for an industrial insurance account, State Fund underwriters will assign one or more risk classifications based on the nature of business described on your application.

If the classifications assigned to your business do not appear to be correct, or the nature of your business changes, a change in your risk classification may be required.

Example: If you are a painting contractor and you begin doing drywall work as well, a new risk classification will need to be assigned to your business.

To request a change, or for more information on employer risk classifications, contact the Employer Services Help Line at 360.902.4817.

Premium Rates

Soon after you open your workers' compensation account with L&I, you will receive a Workers' Compensation Rate Notice. You also will receive a new rate notice whenever L&I adjusts premium rates or when your individual experience factor rating is recalculated. This is usually mailed to you in December, with any changes effective Jan. 1.

This rate notice tells you the rate you will pay per worker-hour/unit for each risk classification assigned to your business. We refer to these hourly/unit rates as "composite rates" because they are a combination of four separate components: the accident fund, medical aid fund, Stay at Work program, and the supplemental pension fund. The rate notice also shows these four elements individually.

They work like this:

Accident-Fund premium. Only employers pay this premium. It provides money to pay nonmedical claim costs such as wage-replacement, most vocational services, permanent disability benefits and survivor benefits.

Medical-Aid premium. Employers and employees related services essential to an injured worker's recovery, including some vocational services.

Stay-at-Work premium. Employers and employees pay this premium. It partially reimburses employers for wages and other expenses when they bring their injured workers back to light-duty or transitional jobs. Supplemental-Pension assessment. Employers and employees pay this assessment. It provides cost-of-living increases to injured workers with extended disabilities. The Supplemental-Pension assessment is not experience rated.

Payroll Deduction

Under state law, a portion of the premium due, equal to one-half of the Medical Aid Fund rate, Stay at Work rate, and Supplemental Pension Fund assessment, may be paid by employee contribution.







L&I does not collect each worker's share directly. Instead, employers have the option to collect their employees' portion through payroll deductions. The maximum payroll deduction rate for each risk classification assigned to your business is shown on your rate notice. It is illegal to withhold more than the authorized amount.

Each pay period, calculate the amount you withhold by multiplying the payroll deduction rate (found on your Workers' Compensation Rate Notice) times the actual number of hours/units each employee worked.

Some businesses choose not to make employee payroll deductions. These businesses are still responsible for paying the total premium due.

What is experience rating?

It is the result of your workers' hours or units (exposure) and claims (losses) occurring during a period that we call the "experience period." This result will affect your workers' compensation premium rates for a calendar year.

Every eligible employer is experience rated on an annual basis. An eligible employer, as defined by Washington Administrative Code, is an employer who reported experience (worker hours or units) during a given experience period.

Businesses that have common majority ownership will be experience rated together on the same policy and share the experience factor.

In most cases, businesses that are sold and continue to perform the same operations in Washington will have their experience transferred to the new ownership.

What is the experience period?

The experience period is the oldest three of the four fiscal years preceding the effective date of premium rates. (Fiscal year = July 1 through June 30.) The premium rates are effective on Jan. 1 of each year.

L&I calculates your experience factor by comparing your workers' compensation claim costs to the expected costs for companies having the same reported hours and risk classifications as your business. A business with an experience factor greater than 1.0 will be assessed accident fund, medical aid fund, and stay at work rates higher than the base rates. Businesses with factors lower than 1.0 will be assessed less than the accident fund, medical aid fund, and stay at work base rates.

New businesses start out with a factor of 1.0 until they become experience rated.

If an employer buys an existing business and continues to perform the same operations in Washington, in most cases the business's existing experience rating will be transferred to the new owner (successor). Claims with a date of injury (DOI) and worker hours/units reported within the experience period will be used in calculating the experience factor for a given calendar year.

How long will a claim affect my premium rates?

A claim will affect your experience rating and premium rates for three years. For example, a claim with a date of injury between July 1, 2014, and June 30, 2015 affects premiums for calendar years 2017, 2018 and 2019.



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How do I know what my experience factor is?

The experience factor is printed on your Workers' Compensation Rate Notice and on the L&I website under www.Lni.wa.gov/Verify. We determine your premium rates by multiplying your experience factor by the sum of the accident fund, medical aid fund and the Stay at Work base rates, then adding the supplemental pension fund assessment.

Reporting and Recordkeeping How to File Quarterly Reports

The easiest way to file your Quarterly Report and pay your insurance premiums is at www.Lni.wa.gov/ClaimsIns/Insurance/File/Online. Online reporting automatically calculates premiums for you, limiting errors and miscalculations. If you do not have online access, please contact the Employer Services Help Line at 360.902.4817.

Watch the mail for your Rate Notice.

We will mail you a rate notice that shows your hourly premium rate for each risk classification. Like other types of insurance, this hourly rate is based on the risk of injury for that type of work or industry. Keep careful payroll records.

Prepare by keeping accurate timesheets and payroll records, as required by law. In most cases, you will use your workers' total work hours in order to calculate the premium you owe.

Note: If you have no worker hours/units to report, no premium is due. However, you must still file an online quarterly report marked "zero hours" or "no payroll."

Get ready to calculate your L&I payroll deductions.

Employers are responsible for paying all premiums due. However, in Washington state, workers may also pay a share of the total hourly rate through payroll deduction. The exact amount is shown on your rate notice in the column "Employee Withholding." You may deduct that hourly share from your workers' pay.

Be prepared to complete your first Quarterly Report online and calculate the premium you owe. You must file your Quarterly Report and pay your premiums each quarter, even if you have no employees or payroll hours to report.

You have two options for online filing: My L&I and QuickFile.

All online systems show the risk classification(s) and hourly rate(s) from your rate notice. To get started, go to www.Lni.wa.gov/ClaimsIns/Insurance/File/Online.

Note: For accountants, bookkeepers and payroll providers who file multiple quarterly reports, a Bulk Filing option is also available through My L&I. For more information, go to www.Lni.wa.gov/ClaimsIns/Insurance/File/Acctinstr or email bulkfiling@Lni.wa.gov to get started.

Submit your Quarterly Report and premium on time.

Quarterly Reports are due no later than the last day of the month that follows the end of the quarter. You will be charged a late fee for late filing.







Determining Reportable Worker Hours/Units

Generally, you should report the actual number of hours/units worked by your employees. Do not include sickleave hours, vacations or holidays, even if it is paid leave. Report overtime work on a one-to-one basis, in other words, each hour of overtime work is reported as one hour, even though time-and-a-half wages may have been paid.

Exceptions to reporting actual number of hours worked include:

Salaried personnel. You may report salaried workers using either 160 assumed hours per month for each worker or report the actual hours worked, if a daily record of actual hours is kept for each worker. You must report all of your salaried workers using the same method (either assumed or actual hours), even if they work part-time. You must keep a record of the date each worker begins and ends employment. If you are using the 160-hour rule, you may report 8 hours per day for new or terminated workers who work a partial month at the beginning or end of their employment. No reduction to reportable hours can be made for vacation, holiday or sick leave when using the 160-hour rule.

Optional "elective" coverages. If your business provides optional coverage for an owner (sole proprietor, partner, exempt LLC member or manager, or corporate officer), you may report either 480 hours per quarter or actual hours, if a daily record of actual hours is kept. If you have optional coverage for other exempt workers, you must follow the reporting rules for salary, hourly, commission or piecework, as applicable.

Volunteers, student volunteers and unpaid students. Businesses who elect coverage for their volunteers, student volunteers or unpaid students with optional (elective) coverage may choose to report 100 hours per qualifying volunteer per calendar year, or actual hours.

Splitting Worker Hours

The worker hours of any one employee may be divided for reporting purposes between two or more assigned basic risk classifications. This may be done only when accurate records of actual hours worked, supported by original timecard or time-book entries, document the division of duties.

You may not divide a worker's hours between a "basic" classification and a "standard exception" classification, or between two standard exception classes. Standard exceptions are clerical office (class 4904), auto/truck/ camper/trailer/ mobile home/motorcycle and pleasure craft sales personnel (class 6301), outside sales (class 6303), LLC members/manager (class 7100), and corporate officers (class 7101).

If you do not keep accurate records of divided worker hours, all of a worker's hours must be reported in the highest rated classification in which the worker has duties. Estimates or percentages are not acceptable documentation for splitting hours. Employers may reduce premium costs in cases where dividing a worker's hours between risk classifications is allowable. If you are unsure if a division is allowed for a particular situation, please contact the Employer Services Help Line at 360.902.4817.

If You Fail to File Your Reports or Pay Premiums

If you fail to file a quarterly report, L&I will estimate the premiums due based on the best information we have available and we will take steps to collect the premiums owed.

We also assess penalties on delinquent accounts. The longer the account is delinquent, the greater the penalty.



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The minimum penalty is \$10. You must submit a report even if you report no hours/units. A late report indicating "no hours/units" will be assessed a \$10 penalty.

Interest will be assessed on all delinquent accounts at a rate of 1% per month on the premium owed. We count the number of calendar days elapsed since the due date including the date we receive the report or payment. Other penalties may be assessed for non-payment of premiums, misrepresentations, excessive deductions from employees, failure to keep adequate timesheets and payroll records or other violations.

Recordkeeping

State law requires every employer to keep records that will allow Labor & Industries to compute premiums. These records must be open for examination by L&I. Accurate, properly maintained records will help you manage your business and, in case of an audit, minimize the time needed for an accurate review.

To properly document hours reported on quarterly reports, maintain the following payroll and time records on each employee for at least three years:

- Employee name, address and Social Security number.
- Date hired (and terminated, if applicable).
- Job title and type of work performed.
- Type of compensation (hourly, salary, commission, etc.).
- Pay period.
- Actual hours worked each day.
- You must keep records of actual hours worked for workers paid on an hourly or piecework basis. The number of units earned or produced for piece workers must also be recorded.
- Keeping records of the actual hours that outside commissioned and salaried employees work is optional but a record of days worked is required if using the 8-hour per day premium option.
- If an employee is assigned to more than one risk classification, records of actual hours worked each day must also show how many hours the employee worked in each class.
- Gross pav.
- Deductions from earnings and the purpose of each deduction.
- Net pay.
- Check numbers of checks issued.

In addition to payroll and time records, the following tax records also need to be maintained for at least three years:

- Unemployment tax returns from the Employment Security Department.
- State excise tax returns from the Department of Revenue.
- Internal Revenue Service forms and tax returns. For example, W-2 statements, Form 941 (quarterly report), Form 1099 (miscellaneous income), Form 1065 (partnership return), Form 1040 (Schedule C).

Other records and information that may need to be referenced include:

- Check registers.
- Canceled checks.
- Cash disbursement journal (materials and supplies; miscellaneous contract labor).
- Corporation documents, articles of incorporation, bylaws, and minutes of meetings.







- Contracts, invoices, financial statements, worksheets maintained for industrial insurance reports, and subcontractor records, specifically the:
- Legal name.
- Registration or license number.
- UBI or L&I account ID number.

Accident Records

Keep complete records of all accidents, including minor ones. Even minor mishaps sometimes turn into injuries that require medical attention. Accident-related records you should keep are:

- The injured worker's Report of Accident.
- The supervisor's Report of Accident.
- Industrial insurance claim log.
- Claim date record.
- OSHA 300 log, if you have 10 or more employees at all times during the calendar year at all of your business locations combined.

Use these records for completing the Employer Report of Industrial Injury or Occupational Disease form or when resolving claim disputes.

Audits

L&I may audit your employment records. During an audit, an L&I auditor will inspect your business operations and examine records to verify that your workers' payroll and hours have been reported accurately. An L&I auditor also will ensure that worker hours and claims associated with your account are in the appropriate risk classification.

Posting Requirements

Workers' compensation laws and regulations that L&I enforces require employers to post the following information:

Certificate of coverage

You are required to obtain a certificate of insurance coverage and post it conspicuously in your place of business. You must have a separate certificate of coverage in each business location you operate. The certificate is issued when you open your account with L&I. You can obtain replacements by calling the L&I office nearest you or online at www.Lni.wa.gov/Verify.

Required posters

L&I will send you three posters that inform your employees of their rights and responsibilities as workers. They must be displayed where employees can see them. The required posters are:

- Notice to Employees If a Job Injury Occurs (F242-191-909).
- Job Safety and Health Law (F416-081-909).
- Your Rights as a Worker (F700-074-909).
- You can obtain free copies of these posters by calling any local L&I office or ordering online at www.Lni. wa.gov/RequiredPosters.



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Employee Benefits

Employees are eligible for workers' compensation benefits when a work-related injury or occupational illness occurs. Benefits also are paid if an employee is injured during a meal period at the job site, even though the person was not working at the time.

Benefits are not paid for intentional self-inflicted injuries or for injuries to an employee who is committing or attempting to commit a felony.

All benefit levels and the conditions for benefits are normally set by the state Legislature.

Types of Benefits

Medical services. If your employee's claim is accepted, L&I pays for all approved health-care providers, hospital, surgical, pharmacy and other health-care services necessary for the treatment of your employee's workplace injury or occupational disease.

Injured employees may select a health-care provider who is qualified to treat their injury or occupational disease. Injured workers must get ongoing care from a medical provider who is part of the L&I Medical Provider Network. They may see a non-network provider for the initial visit, but for additional or ongoing care, they will need to transfer to a network provider.

Other services may include, but are not limited to, emergency ambulance service, special or home nursing care, dental repair, convalescent center care, crutches, braces, artificial limbs, glasses and hearing aids.

Some automobile and home modification costs are covered for employees suffering amputation or paralysis. These employees also receive lifetime prosthesis maintenance, including replacements needed because of normal wear-and-tear of the prosthesis or related physical changes.

Travel expenses. L&I can reimburse pre-approved out-of-pocket travel expenses when the injured worker must travel more than 15 miles from his or her home to receive adequate health care services, vocational training or fitting for a prosthetic device.

Time-loss compensation payments (wage replacement benefits). Employees receive a percentage of their regular wages if they are unable to work because of a work-related injury or illness. These are known as time-loss compensation payments.

The employee is not paid for the day of injury. Benefits are not paid for the first three calendar days following the injury unless he or she is unable to work for a period of 14 or more consecutive calendar days from the date of injury. An unsuccessful attempt to return to work within the 14 day period will not affect eligibility for payment for the first three days following the day of injury.

If the employee becomes disabled later than three days after an injury, time-loss compensation payments begin on the first day he or she is unable to work.

Time-loss compensation payments range from 60 percent to 75 percent of the injured worker's gross wage depending upon the worker's marital status and number of children at the time of injury.







These benefits cannot exceed 120 percent of the state's average wage. (The state's average wage varies; it is established by the Employment Security Department on July 1 of each year.)

Stay at Work Program. Stay at Work is a financial incentive program that encourages employers to bring their injured workers quickly and safely back to light-duty or transitional work by reimbursing them for a portion of their costs. Eligible employers can be reimbursed for 50 percent of the base wages they pay for light duty (up to 66 days/\$10,000), plus many expenses.

The purpose of this incentive is to encourage more employers to return their injured workers to medically approved light duty or transitional work with the doctor's approval. This best practice can help workers recover and reduce costs for employers.

For more information, visit www.Lni.wa.gov/StayAtWork.

Vocational rehabilitation. Injured employees who are unemployable in their prior vocation because of their work-related injuries may qualify for vocational rehabilitation services.

If appropriate, an injured worker will be referred to a vocational provider for return-to-work assistance. Vocational retraining benefits may be appropriate for your injured worker. Retraining may include on-the-job training or a formal vocational program.

Other return-to-work help. L&I can contribute up to \$5,000 to help you modify a job to fit an injured employee's abilities.

Permanent partial disability awards. If your employee's work-related injury or occupational disease caused permanent loss of bodily function, he or she will receive a permanent partial disability award in an amount established by the Legislature.

Pension awards. A monthly pension for life is granted to an employee whose injury or illness results in permanent inability to work, based on medical and vocational reports.

Pensions also are granted if the accident results in the loss of both legs, both arms, or the loss of a leg and an arm, total loss of eyesight or paralysis. Pension benefits are referred to as permanent total disability (PTD) awards.

Previously paid permanent partial disability awards reduce an employee's pension benefit amount. Adjustments in pension benefits are also made when the disabled employee chooses to leave a benefit for their spouse and children upon death.

Survivor benefits. The surviving spouse and legally dependent children receive a monthly pension if a workrelated injury or occupational illness results in an employee's death.

The amount they receive is based on the formula used for setting time-loss compensation payments. In addition, survivors receive an immediate cash payment of 100 percent of the state's average monthly wage in effect on the date of injury, plus funeral expenses of up to 200 percent of the state's average monthly wage in effect on



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the date of death. The state's average wage changes each July 1.

If the surviving spouse remarries, he or she may choose either a final cash settlement or the right to resume monthly pension payments if the marriage is terminated.

Even if the surviving spouse remarries, the employee's dependent children continue to receive monthly benefits while they are dependent, typically until age 18 or, if they are still in school, until age 23.

If the deceased was a member of the Law Enforcement Officers' and Firefighters' retirement system or the State Patrol retirement system, the surviving spouse may be eligible for further benefits through the Department of Retirement Systems (DRS). For more information, contact DRS at 800.547.6657.

Structured Settlement Agreements. A Structured Settlement Agreement is an agreement between a worker, the employer, and L&I to resolve a claim. The agreement generally resolves all future benefits except medical. Workers are still eligible to receive medical treatment for conditions allowed on their claim and can file a future claim if a new injury occurs.

In most structured settlements, the claim is closed. The worker is paid a set amount in periodic payments, which are spelled out in the agreement.

To be eligible, an injured worker must:

- Be 50 years of age or older.
- Have an allowed workers' compensation claim in Washington.
- Wait at least 180 days after L&I or the self-insured employer received the claim.

Employers may initiate structured settlement discussions for an eligible worker's claim by filing an application with L&I. However, structured settlement is a voluntary program, and all parties must agree. L&I negotiates the amount to be paid and submits the agreement to the Board of Industrial Insurance Appeals.

For more information or to initiate structured settlement discussions, please visit www.Lni.wa.gov/Settlement.

Gross Income

When calculating an employee's benefits, L&I will first establish the employee's gross income at the time of the injury. L&I will issue a "wage order" providing the employee and you with the information that was used to calculate the employee's gross monthly income.

NOTE: If your employee has an occupational disease, gross income is based on the date the employee's condition first required medical treatment or became disabling, whichever came first.

The following are used to calculate gross monthly income:

- Gross wages earned before taxes, including income from a second job.
- Employer-provided medical, dental and vision benefits.
- The reasonable value of room and board, housing, fuel or similar considerations received from the employer as part of the employee's income.
- Any bonus the worker received within the 12 months immediately preceding the injury as a part of the contract of hire with the employer of injury.







- Tips reported by the employer for federal income tax purposes.
- Normally worked overtime hours are included.
- If your employee's work pattern is determined to be exclusively seasonal, essentially part-time or intermittent. his/her gross monthly income would be determined by averaging the total wages earned, including overtime pay and tips, from all employment in any 12 successive calendar months preceding the injury that most fairly represents the employee's employment pattern.

If an Injury or Illness Occurs Filing an Accident Report

If a job-related injury or illness occurs, you and your employees have certain legal responsibilities.

What the injured worker must do

- Report the injury or exposure and how it happened to a supervisor as soon as possible. Even minor injuries should be reported, but failure to report will not cause rejection of a claim.
- If medical attention is required, tell the treating health-care provider the injury is job-related. The provider will help the worker complete a Report of Accident (Workplace Injury, Accident or Occupational Disease), which begins the claim process. This form, also called Report of Accident or ROA, must be filed with L&I within one year of the date of injury.
- File a claim online at Lni.wa.gov/FileFast to expedite the process, or by phone at 877.561.FILE (3453). Answer all questions on the worker's section of the Report of Accident to avoid a possible delay in benefit payments.
- For occupational diseases or illnesses, such as carpal tunnel syndrome, noise-induced hearing loss, occupational dermatitis and occupational asthma, the Report of Accident (Workplace Injury, Accident or Occupational Disease) must be filed within two years of receiving written notice from a doctor that the condition exists and is work-related.

What the attending health-care provider must do

- The attending health-care provider also fills in a section of the Report of Accident. The provider must supply information such as the diagnosis and treatment given and provide an estimate of how many days your employee will be unable to work. Attending providers are responsible for submitting the Report of Accident to L&I.
- Upon receiving the Report of Accident, L&I mails a letter and Employer Report of Industrial Injury or Occupational Disease form to you. It serves as your official notice that a claim for benefits has been filed by one of your employees.

What the employer must do

- Make sure your employee immediately obtains required medical care from the doctor or hospital of his or her choice. Injured workers must choose a health-care provider who is part of the L&I Medical Provider
- They may see a non-network provider for the initial visit, but for additional or ongoing care, they will need to transfer to a network provider. You can help your employee find a network provider in our online directory at www.Lni.wa.gov/FindaDoc. **Note:** Out-of-state providers are not required to be in the network.
- Provide transportation or emergency ambulance service, if needed. L&I will reimburse for these transportation costs upon written request.
- A workplace fatality or in-patient hospitalization of any employee must be reported to L&I within eight hours of the incident. Any non-hospitalized amputation or loss of an eye(s) must be reported within 24 hours of



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the incident.

Note: This applies to all employers with workers working in Washington no matter what industry they work in and regardless of workers' compensation coverage. You must report by calling L&I at 800.423.7233 or by visiting your local L&I office. Please see www.Lni.wa.gov/Safety for further details and information you need to include when reporting.

- When you receive a request for employer information from L&I, including your copy of the Report of Accident, complete and return the information as soon as possible. You may do this online at Lni. wa.gov/FileFast to expedite the process.
- Please answer all questions completely. If you notice errors in the information reported, provide corrected information. We must have accurate wage and certain benefit information because it is used to calculate time-loss compensation benefits for the injured employee. Verify your employee's information, such as gross wages and hours worked.
- If you question the validity of the claim, state it on the form and explain your reasons why. This will help minimize invalid claims.
- If someone not employed by you caused the accident, you should indicate this on the form. It is to your advantage to document the case and provide complete records of facts and all evidence surrounding the accident.

Get Involved in Your Claims

Workers' compensation claims affect your rates. You can take steps to control claim costs and affect your future premiums.

Use the Online Claim and Account Center (CAC)

CAC allows you to see information as soon as it comes into the claim file. By staying current, you can respond quickly to new information. Follow your claims, access your account and find more information at www.Lni. wa.gov/ClaimInfo.

Go Paperless! Get your claims correspondence online

Get correspondence right away instead of waiting for it to arrive in the mail. Online correspondence means no envelopes to open, no letters to sort, and nothing to shred — saving you time and resources. Quickly filter down to messages where action is required of you, search by keyword such as "claim allowed," sort by injured worker name, and even respond by secure message with a single click! Find more information and sign up at www.Lni.wa.gov/eCorr.

Stay in touch with your employee

Call your employee right away to share your concern about the injury. Do what you can to get him or her back to work as soon as possible.

Provide light-duty work

The health-care provider may limit work activities or reduce the number of hours your employee can work during recovery. Offering light-duty within those restrictions will get your employee back to work faster and reduce claim costs. For help in developing light-duty work, contact a Return-to-Work Specialist at your local L&I office.

Consider "Stay at Work" Program



workers quickly and safely back to medically approved light duty or transitional work by reimbursing them for a portion of their costs. This best practice can help the worker recover faster and reduce costs for employers. Eligible employers can be reimbursed for 50 percent of the base wages they pay to the injured worker (up to 66 days/\$10,000) and for some of the cost of training, tools or clothing the worker will need to do the light-duty or transitional work.

Why consider Stay at Work?

- It may reduce your per-claim costs.
- It does help injured workers recover.
- It can help retain valuable employees and increases workplace morale.
- We've made it easy for you to apply. Learn more at Lni.wa.gov/StayatWork or call 866.406.2482.

L&I's Early Return to Work Program

The Early Return to Work (ERTW) Program encourages return to work options much earlier in the claims process, to everyone's benefit. And if you are able to create a light-duty job for the still-recovering workers, the Stay at Work Program could reimburse you for half the wages and some related expenses.

Keep your employee on salary (KOS)

You can choose to pay the full amount of usual wages and benefits to your employee while he or she is off work due to the injury. When you use KOS, L&I doesn't pay time-loss benefits. KOS will not prevent a ruling of Permanent Partial Disability (PPD), which will impact your rates similarly to time loss. To find out if KOS will benefit your company, contact your account manager or Risk Management Consultant. He or she will review your claim history and premiums and discuss how KOS can affect your future rates.

Available Resources for Employers

L&I provides, free of charge, these consultation services available before (and after) and injury occurs:

- A Risk Management Consultant who can show you how a workers' compensation claim affects your company's "experience factor" and premiums so that you are aware of the potential costs of an injury.
- A Safety or Health Consultant who can provide an onsite consultation to identify hazards and show you the safety steps to prevent injuries.

To request a safety or risk management consultation, go to www.Lni.wa.gov/SafetyConsultants or contact the L&I office nearest you. You can take advantage of specific Early Return to Work services that may include:

- L&I staff located around the state who can work with you, free of charge, to help bring your employee back to work quickly and safely.
- Job modification funds to help you cover the costs of modifying a workstation to allow an injured worker to return to work.

To learn more about L&I's Early Return to Work Program, go to www.Lni.wa.gov and type "Early Return to Work" in the search box or call the nearest L&I office and ask for an Early Return to Work specialist.

Know Your Protest and Appeal Rights

L&I will send legal decisions to you. If you disagree with a decision or believe it's incorrect, you must send a written protest or appeal before the deadline specified in the decision. Once the deadline has passed, L&I can't change the decision, even if it's wrong.



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Monitoring claim costs is important because L&I uses these costs in computing your premium. When L&I allows or closes your employee's claim, we will send you the decision (also called an "order"). All correspondence and other documents about the claim, including from the claim manager and medical provider, are available online through the Claim and Account Center at www.Lni.wa.gov/ClaimInfo.

By routinely checking these reports, you can stay informed of injury costs charged to your account. You can monitor your employee's progress and correct any information related to time-loss benefits or medical benefits, or medical costs.

Discrimination Against Workers

The law prohibits you from discriminating against employees in any way for exercising their rights under the workers' compensation law or for filing a complaint about workplace safety. However, it does not prevent you from taking action against an employee for unsafe work practices. Find more information online at www.Lni.wa.gov/WorkplaceRights/ComplainDiscrim.

Financial Protections for Employers Protection against "second injury" risks

There are special situations, called "second injury claims," in which certain claim costs are not charged to you and do not affect your experience rating. Instead, these claim costs are paid from the Second Injury Fund, which was created to encourage employers to hire previously disabled workers. It protects you against certain financial risks should such workers suffer further injury after you hire them. The Second Injury Fund comes to your aid in these ways:

- Relief of certain pension costs. If a worker's death or permanent total disability is caused by the
 combined effect of a previous disability and a new occupational injury, and not by the injury alone, all claim
 costs not directly related to the new injury will be paid out of the Second Injury Fund. Only those claim costs
 directly related to the new occupational injury will go on your accident experience record.
- Relief of all claim costs. The Second Injury Fund also is used to pay all claim costs arising from a
 preferred worker claim.
- **Job modification costs.** Second Injury Funds may be used to modify a job to allow an injured worker to return to work within their restrictions. Modification may be achieved using adjustments and job restructuring or through tools, equipment or appliances, up to \$5,000 per job.

Protection against catastrophic accidents

Washington's workers' compensation system protects employers against massive losses that can result from a major catastrophic accident. If a single accident kills or permanently disables three or more workers, the employer's accident experience record is charged for the cost of only two single pension claims — each equal to the average of all pension claims resulting from that catastrophic accident.

Worker recourse for injuries caused by a third party

If one of your workers suffers a job-related injury or occupational disease, he or she cannot ordinarily sue for damages. However, the injured worker may take legal action to recover damages if someone not in your employ — a "third party" — was responsible for the injury.







Third-party actions involve negligence on the part of someone not working for you. For example:

- The driver of a vehicle that hit the worker.
- The manufacturer of a defective product that injured the worker.
- A property owner who failed to properly maintain the premises.
- The owner of an animal that bit the worker.

How does third-party action benefit you, the employer? Successful third-party action benefits you because the amount recovered can be credited to your workers' compensation insurance account, reducing the effect the claim has on your experience rating.

Keep in mind the following points about third-party action. If you have questions, contact the Third Party Section at 360.902.5100.

- The injured worker may initiate a third-party action or L&I may, if the worker chooses not to do so. The employer cannot initiate this action.
- The injured worker continues to receive workers' compensation benefits while he/she or L&I pursues legal action.
- L&l approval is required for any settlement that doesn't cover the costs of the claim.
- If the injured worker receives a financial settlement and has funds remaining after repaying claim costs, his/her workers' compensation benefits would stop. Benefits might resume in the future depending on the amount of the remaining recovery and how long the worker is unable to work or continues to receive medical care.

Preferred Worker Program

Under the Preferred Worker Program, you can hire qualified employees who previously have been injured and receive the following financial benefits:

- Premiums waived. You are exempt from paying premiums on the worker for up to three years after you initially hire him or her. (However, you and the worker must pay the supplemental-pension assessment.)
- No injury costs. No claim costs will be charged against your account if the worker is injured on the job within three years of becoming a preferred worker.

Prevent Injuries and Control Your Costs

Preventing an injury or illness is the most effective way to protect your employees and limit the financial impacts of workers' compensation claims. You can also take other steps to manage a claim, if one occurs, to help reduce claims-related costs.

Focus on Safety

Know the Safety and Health Rules for Your Workplace

L&I's Division of Occupational Safety and Health (DOSH) is responsible for developing and enforcing workplace safety and health rules. Go to www.Lni.wa.gov/Safety or call 800.423.7233 for information on safety and



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health, rules, policies, sample safety programs and general assistance.

Your compliance with these rules helps you protect your employees from workplace hazards.

Here are two examples:

Rule Example 1: You are required to identify the hazards in your workplace and develop and maintain a written accident prevention program (APP) tailored to the hazards of your specific workplace. To learn more about developing an APP, visit www.Lni.wa.gov/Safety/Topics/AtoZ/APP, call the L&I office nearest you or call 800.423.7233.

Rule Example 2: You must make sure that first aid personnel are available to provide quick and effective first aid. In the absence of a clinic or hospital in near proximity to the workplace, which can be used for the treatment of all injured employees, you must train one or more persons to provide first aid. First aid kits must also be available in the workplace.

For information on first-aid training classes, you can contact the American Red Cross, Evergreen Safety Council or your local fire department, hospital or community college.

Training tools and other resources

At the "Safety & Health" section of L&I's website, you'll find training tools, online videos and educational materials to help you create and maintain a safe and healthy workplace. Visit www.Lni.wa.gov/Safety for more information.

Request a no-fee safety or health consultation

Do you know the safety and health requirements that apply to your business? If you're not sure, you may want to request a safety or health consultation from L&I. A consultant — not an inspector — will meet with you and conduct a no-fee, confidential walkthrough survey of your work site to identify hazards and recommend remedies. You must correct in a timely manner any serious hazards found during the consultation, but the consultant will not issue a citation or fine you.

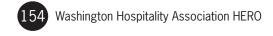
The goal of a consultation is to help you self-monitor your work environment so you can recognize hazards and fix them before accidents occur. If you comply with safety and health rules, your employees will be better protected than if you simply tell them, "Be careful."

To request a no-fee consultation, visit www.Lni.wa.gov/SafetyConsultants or call the L&I office nearest you and ask to speak to the Consultation Manager. In addition to safety and health consultations, specialists in ergonomics and risk management are available to assist employers.

Send the right message to your employees

Make your commitment to safety clear to your employees. Take positive steps to build a safety "culture." And don't tolerate behavior that disregards safety and health rules and safe work practices. Positive steps you can take include:

 Develop a written safety and health program and share it with employees. A program communicates your commitment to safety and health and defines what is expected of workers.







- Encourage employees to come forward with safety or health concerns. Employees are often the best source of ideas for making changes that reduce workplace hazards.
- Empower your safety committee and hold regular meetings.
- Discuss safety in your orientation for new employees.
- Provide the training employees need to do new jobs or tasks safely.

Visit the Safety & Health section of L&I's website to learn more about the safety and health services available to employers: www.Lni.wa.gov/Safety. These services include online training programs, publications, a video library and other training aids to help you build a strong safety culture.

Manage Claims

Prevention through safety is the best defense against the emotional costs of a workplace injury and the financial impact of a workers' compensation claim. However, you should have a system in place to manage a claim, if an injury does occur. At a minimum, this system should include:

- Investigate any accident or "near miss." The purpose is not to fix blame or deny benefits to anyone injured, but to determine what steps can be taken to avoid such incidents in the future.
- Monitor claims consistently by assigning one person to handle them. You will want to keep track of important dates and deadlines for protests or appeals.
- Get involved in your employees' claims.
- Learn about and take advantage of return-to-work strategies. The goal is to get an injured worker back to work as soon as possible. For example, some workers can carry out different tasks or work part-time until they are fully recovered.

For more information about managing claims effectively, contact the L&I office nearest you and ask to speak to a risk management specialist.

Consider Retrospective Rating

If you are committed to operating a safe workplace, preventing accidents and managing workers' compensation claims effectively, you may be interested in L&I's Retrospective Rating Program (RETRO).

RETRO is an optional financial incentive program offered by Labor & Industries to help qualifying employers reduce their workers' compensation costs. Employers can enroll on their own or in a group plan sponsored by a trade association or professional organization. Employers may receive premium refunds or they may be assessed additional premium based on their performance. Enrollment in this program occurs four times each year. Coverage runs for one year, beginning Jan. 1, April 1, July 1 or October 1. Learn more at www.Lni.wa.gov/ Retro or call 360.902.4851 or email to Retro@Lni.wa.gov.

If You Disagree with an L&I Decision

L&I makes many decisions that may affect your business, such as audit findings or actions on industrial insurance claims. You have the right to protest or appeal any decision and you must follow certain legal procedures to protect your rights. You may either protest/request a reconsideration or appeal. The information below provides general guidance. Every order issued by L&I should contain a notice of your appeal rights. Please be sure to follow the information on your order if you wish to preserve your right to appeal.



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Protest/Reconsideration

If you disagree with a decision, you must send a letter to L&I protesting or requesting reconsideration of the ruling. Explain why you think it is incorrect and provide any information L&I should consider before making a further decision. Please be specific. If L&I's decision is in the form of a "Notice and Order of Assessment," you must submit your request within 30 days of the day you receive the notice. For all other decisions of the department, you have 60 days in which to submit your requests. If you write us within the appropriate time period after receiving a legal "Notice and Order," the law requires us to respond to your protest with another written decision. This may either change or reaffirm our earlier ruling. If you disagree with the second decision, you may appeal in writing to the Board of Industrial Insurance Appeals in Olympia.

Appeal

You may appeal an L&I decision to the Board of Industrial Insurance Appeals. The Board of Industrial Insurance Appeals is separate and independent from L&I. It is a quasi-judicial agency that conducts hearings when workers' compensation issues cannot be resolved at L&I to the satisfaction of you, your employee or L&I. For complete information, please go to www.biia.wa.gov for a copy of the booklet, "Your Right to Be Heard," or call 360.753.6823.

Additional information on firm appeals is available at www.Lni.wa.gov/ClaimsIns/Insurance/RatesRisk/Appeal.

Reference:

Employers' Guide to Workers' Compensation Insurance in Washington State F101-002-000

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.

Rev. 1/1/18







Workplace violence can happen anywhere at any time. It can involve a single victim, such as the apartment manager stabbed to death in Everett in July 2010. It can involve multiple victims, as in the shooting at the Jewish Federation of Greater Seattle, when a gunman shot six workers, killing one, in July 2006.

News media accounts of these shootings, assaults, and other acts of violence at the workplace have heightened awareness of this problem.

Workers in some industries, such as health care or retail establishments, are more likely than others to experience violence on the job. For that reason, Washington State has laws that require workplace violence prevention programs in health care settings, psychiatric hospitals and late night retail establishments, like convenience stores.

You can find out more about these safety rules for workers in these industries in Appendix E. Regardless of whether your worksite falls within these rules, however, every business should consider establishing a workplace violence prevention plan.

Such a plan does not have to be complicated, time consuming or expensive. Ask yourself, "What kind of workplace violence could happen at my work?" Then use this guide and the tips included to plan ways to reduce the possibility of violence at work.

Workplace violence causes a significant number of fatalities and injuries in Washington and throughout the United States. The Bureau of Labor Statistics' Census of Fatal Occupational Injuries (CFOI) reports that homicides due to workplace violence are the fourth-leading cause of work-related deaths. For women, violence is the second leading cause of workplace fatalities in the United States.

Bureau of Labor Statistics (BLS) data for 2009 showed violence as the second-leading cause of workplace deaths in Washington State. Transportation accidents, being "struck by" equipment or objects and falls accounted for most other workplace fatalities. In addition, in 2009 Washington State experienced its highest number of workplace violence-related deaths in more than a decade. Of 62 work-related fatalities, 13 were on-the-job homicides and seven were suicides.

Violence is the second leading cause of work related death for women in the United States.

Nationally, non-fatal acts of violence in the workplace are numerous. In 2009, approximately 572,000 nonfatal violent crimes (rape/sexual assault, robbery, and aggravated and simple assault) occurred against workers, according to data from the National Crime Victimization Survey.

There is a strong association between violence in the home or community, and violence in the workplace. For example, BLS data from 1997–2009 show that 381 women killed in the workplace were murdered by a husband, male partner, or other relative or acquaintance.

Employers can take steps to make the workplace safer. It is critical that business, labor, social and health services, education, law enforcement and government undertake a collaborative approach to prevention.



Workplace Violence

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For more information on how you can prevent workplace violence, see http://www.lni.wa.gov/IPUB/417-140-000.pdf.

NOTE: Accommodation and food services is one of the industries listed as high risk in Washington state for workplace violence.

If you have any further questions about this topic or others, see the Department of Labor & Industries' Help for Small Business page at http://www.lni.wa.gov/Main/SmallBusiness/.

Rev. 1/1/18





In Washington state, it is illegal to sell or serve alcohol to anyone under 21 years of age or to allow a person under 21 to possess or consume alcohol on your premises. (RCW 66.44.270)

Before serving a customer alcohol, assess if the person appears to be less than 21 years old or is of questionable age. We recommend that you check the ID of any customer who appears younger than 30. Following are the acceptable forms of ID for age verification. (RCW 66.16.040, and WAC 314-11-025)

Do not accept other forms of ID such as birth certificates, school or work identifications, Social Security cards, or other ID cards.

These are not legal for proof of age for liquor service in Washington.

A Driver's License or Instruction Permit

A driver's license or instruction permit issued by any U.S. state, territory, tribe or any Canadian province. (If the customer's Washington license has expired, he or she must also show either a valid temporary driver's license with the expired card, or have a current expiration extension sticker on the card).

You may see Washington driver's licenses presented for identification that are punched. These punched IDs are acceptable if:

- 1. The card is not expired
- 2. The punch is not through the photo, date of birth, expiration date, or signature. Vertical format licenses are issued only to persons under 21.

A U.S. Military ID

An official U.S. Military ID card, including active duty, reserve, retired, and/or dependent card. U.S. Military identification cards come in different styles and colors. Usually the expiration date is on the front and the date of birth is on the back. Some U.S. Military ID cards do not contain signatures—but they are still acceptable to verify age.

A Merchant Marine ID

A Merchant Marine ID issued by the U.S. Coast Guard.

A State ID Card

An official state ID card issued by any U.S. state or Canadian province.

An Official Passport or Passport Card

Issued by any nation.



Verifying Identification

Handbook for Excellent Restaurant Operations

Tribal ID

Indian Tribal enrollment cards may be used as official identification to verify the age of a person purchasing alcohol and tobacco if:

- The Tribe has notified the Liquor Control Board (LCB) that it intends to use the card for this purpose
- The enrollment card has a photo, a signature and a date of birth
- The enrollment card has security features comparable to state Driver's License

The following enrollment from the following Tribes may be used as official ID for age verification for purchasing alcohol and tobacco:

- Confederated Tribes of the Chehalis Reservation (effective Sept. 1, 2006)
- Kalispel Tribe (effective April 26, 2011)
- Lummi Nation (effective Sept. 13, 2013)
- Muckleshoot Indian Tribe (effective Dec. 14, 2005)
- Nez Perce Tribe (effective April 24, 2014)
- Nooksack Tribe (effective Dec. 13, 2006)
- Puyallup Tribe of Indians (effective Aug. 14, 2007)
- Skokomish Tribe (effective July 2, 2012)
- Snoqualmie Tribe (effective June 11, 2007)
- Spokane Tribe (effective July 30, 2013)
- Stillaguamish Tribe (effective Dec. 19, 2011)
- Suguamish Tribe (effective Dec. 23, 2007)
- Swinomish Indian Tribal Community (effective July 29, 2014)
- Tulalip Tribes (effective Dec. 14, 2005)

This list is current as of December 2014. For a visual of each card, as well as more information, please visit the Liquor Control Board website:

www.lig.wa.gov/rules/tribal-id-cards-identification

For more information please visit ssawashington.com.

Rev. 12/13/14







Licensees and their employees need to know the signs of intoxication. This information can help you recognize when a customer has had too much to drink. It is illegal to serve or sell alcohol to anyone who appears to be intoxicated. It is illegal to serve or sell alcohol to anyone who is "apparently under the influence" of alcoholic beverages (or, for that matter, drugs, whether legal or illegal). The Washington State Supreme Court has ruled that the determination of whether a patron is "apparently under the influence" requires more than simply observing the patron to determine if the patron is "obviously intoxicated." Rather, the server must utilize at least "some thought and reflection" in reaching a conclusion as to whether the patron is apparently under the influence.

When in doubt, don't serve alcohol. Your decision not to serve a customer who is apparently under the influence could not only save your liquor license and potentially save you from a calamitous, and in many cases, uninsured, civil suit, but it could also save someone's life. (RCW 66.44.200 and WAC 314-11-035)

Federal and state laws prohibit discrimination against a person due to a disability. If a disability appears to explain a warning sign for possible intoxication, such as unsteady walking due to leg braces or drooping eyelids due to blindness, look for additional signs that may signal intoxication. Since some characteristics of certain disabilities may mimic signs of intoxication, only through diligent communication can you assure that individuals with disabilities are treated fairly. Do not be afraid to ask questions.

Remember, alcohol affects everyone differently. A person's level of intoxication may depend on how fast the person is drinking, the amount of food consumed, mood and other factors. Following are some of the most common signs of intoxication.

Lack of physical coordination

Spilling drinks can be a sign of intoxication, especially if it happens more than once. This may show that your customer has lost muscle control. Watch to see if the customer misses their mouth when raising their glass to drink.

Carelessness or clumsiness with money

Watch to see if your customer is dropping cash on the floor, has trouble picking it up or getting his/her wallet out, or cannot count out the right amount to pay for a drink.

Unsteady walking

Watch for customers who are bumping into furniture or other customers.

Behavior changes

- Some customers who have had too much to drink will become loud, pick fights and/or swear.
- Some will complain about your service, the cost of your drinks, or the way they were mixed.
- Some customers become very friendly when they are drinking. A person who becomes unusually entertaining and boisterous can be just as intoxicated as someone who is causing trouble. Watch for customers who are buying rounds of drinks for strangers. Excessive bragging may also be a giveaway.
- Keep an eye out for customers who lose their concentration and train of thought during conversation, or avoid eye contact. Look for bobbing heads or drooping eyelids.



Signs of Intoxication

Handbook for Excellent Restaurant Operations

Relaxed inhibitions, impaired judgment or slowed reaction time

- If it takes longer for a person to answer your question, or if the answer does not fit, it may be an indicator of intoxication.
- Inappropriate behavior, touching or verbal abuse are also signs.

Speech patterns

Talk to your customers. If you don't already know them, it will help you recognize any changes in their speech as they are drinking. Look for:

- Loud talking
- Bragging
- Arguing
- Swearing
- Complaining
- Slurred speech
- Talking slowly and deliberately
- A strong odor of alcohol

A summary sheet of this information is available from your local enforcement office. Be on the lookout for the first warning signs of intoxication. Early action on your part may prevent your customer from becoming a problem. Remember, it takes about one hour to take away the effect of one drink. Keep a mental note of how many drinks your customers have had.

Rev. 12/15/14





Slow down service

Try to casually avoid the customer's table, and delay ordering and serving drinks.

Suggest food

Eating slows down the absorption of alcohol into the body. Also, the time spent eating is time the customer is not drinking. Suggest high-protein foods like nuts, cheese and meats. Avoid salty foods—salt makes people thirstier.

Suggest nonalcoholic drinks

You can suggest a non-alcoholic drink, such as a soft drink, juice or coffee when you think a customer has had too much to drink. There are also many nonalcoholic wines and beers available today. (Don't compromise by serving a customer a watered-down drink. It is illegal to substitute a drink without the customer's knowledge. If a customer is intoxicated, it is illegal to serve him or her any alcohol).

Get the customer's group to back you

Talk to the customer's friends at the table. You may help them recognize that their friend is in trouble. Also, friends can often be more persuasive.

Refusing service to a customer

Refusing alcohol service can be difficult. The key is to observe your customers carefully. Remember how dangerous an intoxicated customer is behind the wheel of a car. Patrons who aren't driving may be equally at risk walking, taking a taxi or riding with friends. Your decision not to serve an intoxicated customer could save not only your liquor license, it could also save someone's life.

When it's time to cut off service and remove a customer's drink:

- Establish and support a policy to back up servers who decide it is necessary to cut someone off. Train servers to notify the manager on duty when they are about to refuse service. Their decision may need back up if the customer gets angry.
- Be courteous, but firm. Be friendly, but don't back down on your decision or bargain with the customer. Let the customer know that you want him or her to get home safely.
- Remain calm and respectful. Avoid arguing. Don't provoke the customer by embarrassing him or her. Avoid statements like, "You're drunk" or "You've had way too much to drink."
- Let the customer know your job or license is at risk. Don't hesitate to tell the customer you could lose your license or job for overservice.
- Find transportation. It's recommended that your business have a policy for getting intoxicated customers home safely. A cab service could be the right move for a customer who isn't drinking with friends or whose friends are also intoxicated.
- If the customer refuses to cooperate or becomes disorderly, call the police or sheriff's department and be willing to sign a complaint. Protect your business license and reputation.

Remember, state law does not prohibit customers who are apparently under the influence from remaining in the establishment as long as they are not consuming or possessing liquor or being disorderly. You may invite them to remain on your premises and encourage them to eat. However, if you decide to permit a patron who is apparently under the influence to remain on your licensed premises, you must then operate under a heightened duty of observation of that patron to make sure that the patron does not order another alcoholic beverage from another server, or does not drink or share alcoholic drinks with another patron who is a member of his or her group.



Preventing Intoxication

Handbook for Excellent Restaurant Operations

ALCOHOL IN THE BLOODSTREAM: WHAT'S LEGAL?

In Washington, a person cannot legally drive if his/her blood alcohol concentration is .08 percent or above. Alcohol affects everyone differently.

The actual effect of alcohol on a person may depend on:

- How much food has been eaten
- Time of day
- The person's mood
- Mixer used in the drink
- Drugs in the bloodstream

Rev. 1/29/13







NO DRINKING ON THE JOB

No employee or licensee may drink alcohol or be under the influence of marijuana while on duty. Employees and licensees who are drinking on duty cannot effectively judge the age or sobriety of customers. (WAC 314-11-015)

CUSTOMER CONDUCT

Persons who become disorderly or conduct themselves in a manner that threatens a patron or employee's safety may not be allowed to remain on the premises. Licensees are responsible for the disorderly conduct of customers anywhere on their licensed premises, including, for example, parking lots and outdoor service areas. If a fight breaks out on your premises, or you think there is a threat of violence, call the police. (WAC 314-11-015)

HOURS OF ALCOHOL SALES

The law allows liquor to be sold, served and consumed between 6 a.m. and 2 a.m., seven days a week. Local governments may pass ordinances establishing earlier closing hours. Licensees should check local ordinances to find their community's legal hours. (WAC 314-11-070)

RIGHT TO INSPECT

Liquor and Tobacco Enforcement Officers, as well as your local police, have a right to inspect liquor licensed premises and do the following:

- Examine books and records.
- Take samples of liquor for analysis.
- Inspect any premises for which a license, banquet permit, or any other permit has been granted.

The inspections are made to ensure licensees are complying with liquor and tobacco laws and rules. (RCW 66.28.090, 66.08.130, 66.44.010 and 66.08.140)

RECORD KEEPING

The following records must be made available for inspection if requested by the Liquor Control Board: Purchase invoices and supporting documents, bank statements and cancelled checks for business accounts, business accounting and tax records, and records of all financial transactions related to the business. Keep these records for at least two years. (WAC 314-11-090 and 314-11-095)

LIGHTING

In all portions of the premises where alcohol is served or consumed, lighting must be sufficient to check ID and to observe patrons for the enforcement of liquor laws and rules, including apparent intoxication. (WAC 314-11-055)

REMODELING

Changes in the physical floor plan of your place of business will require prior approval from the Liquor Control Board, such as extending the location of alcohol service onto a patio or deck, changing the size of a dining room or lounge, etc. No approval is needed for refurbishing, i.e., painting walls, installing new carpet or furniture, etc. (See WAC 314-02-130 for more information)

Rev. 3/3/16



Retail Liquor Advertising

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HAPPY HOUR

The advertising of "Happy Hour" is permitted.

Retailers cannot require the customer to purchase more than one drink at a time in order to receive a reduced price. This would include such advertising as "Two for the price of one," "buy one, get one free," etc. This type of advertising is considered to promote overconsumption. (WAC 314-52-110)

Retail licensees may offer reduced price drinks and special pricing, as long as it does not put the price below cost of acquisition.

Advertising of "Happy Hour" cannot promote overconsumption, for example "Bottomless Margaritas," "All you can drink." etc.

FREE OR COMPLIMENTARY LIQUOR

Advertising may not refer to "free" or "complimentary," regardless of whether or not it is combined with a meal or event.

Retailers may offer package deals. For example, "Included with your meal/room/event is a beverage of your choice," "Dinner includes a bottle of wine," "Included with your room is a bottle of champagne." The cost of the meal, etc., must cover the cost of the alcoholic product.

Retailers cannot offer to treat customers as part of a promotion.

MONEY'S WORTH

Industry members may not advance to a retailer, and a retailer may not receive from an industry member, money's worth under any business practice or arrangement. An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

A new exception allows branded promotional items of nominal value, singly or in the aggregate. Items that may be provided include:

 Trays, lighters, blotters, postcards, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, hats, visors and similar items.

The items must be used exclusively by the retailer or the retailer's employees in a manner consistent with the liquor license:

- Items must bear imprinted matter of the industry member only
- Items may not be provided to retail customers
- Items may not be targeted to or appeal principally to youth







A complaint process is established for branded promotional items similar to the complaint process for financial interest and ownership:

- Any person may file a complaint with the Board asserting undue influence or an adverse impact on public health or safety, or that the provision of the items is otherwise inconsistent with the requirements for promotional items
- The Board may investigate and issue an AVN

Industry members and retailers shall keep and maintain records on their premises for a three-year period that includes all items, services and money's worth provided to retailers and purchased by a retailer at fair market value.



Required Signage

Handbook for Excellent Restaurant Operations

Master Business License

All businesses are required to conspicuously post the business's current and valid Master License, showing all classes of licenses and endorsements. (WAC 314-11-060)

Firearms Prohibited

Firearms prohibited signs, which are available at your local LCB enforcement office, must be posted in each area of your business that's classified by the LCB as off premises to minors – like taverns and lounge areas. The sign is intended to carry out RCW 9.41.300 (prohibits the carrying of a firearm in the portions of a premise that are off limits to a person under 21 years of age. It is one of the few exclusions to the lawful carrying of a weapon by a private citizen, regardless of possession of a concealed weapons permit. Your local law enforcement agency is in charge of enforcing this rule. (WAC 314-11-060)

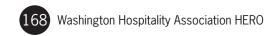
Fetal Alcohol Syndrome (FAS) Warning Signs

All retail liquor licensees or licensees with retail privileges are required to post warning signs provided by the LCB which educate the public about the birth defect Fetal Alcohol Syndrome (FAS). Signs are available from your local enforcement office. Restaurants, bars and clubs must post the FAS signs in plain view at the main entrance and in the women's restroom closest to the area where liquor is served. Airports, convention centers and sports facilities must post a FAS warning sign in a place that is clearly visible to the majority of patrons entering the liquor licensed portion of the premises. (WAC 314-11-060)

No Persons Under 21

Tavern and spirits, beer, and wine licensees who do not allow persons under 21 years of age in any portion of their business must post a sign prohibiting minors in a conspicuous location at each entry to the premises. The sign must contain the following language: "Persons under 21 years of age not permitted on these premises." Other licensees that do not permit persons under 21 on a portion of their premises must post a sign at each entry to a restricted area and state "Persons under 21 years of age not permitted in this area." Signs are available at the nearest LCB enforcement office or can be designed by the licensee as long as the required language above is included. (WAC 314-11-060)









The following suggestions could help you protect yourself, your business, and your license:

- Have a written company policy that clearly spells out your rules for dealing with intoxicated customers, checking ID and other important alcohol service issues.
- Train your employees so they understand your policies and know how to carry them out on the job.
- Have your employees sign your written policy statement, certifying that they have read and understand your policies.
- Provide snacks (high protein foods in particular) and nonalcoholic beverages to your customers.
- Back up your employees when they decide to refuse sale or service to a customer.



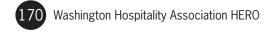
Retail/Non-Retail Relationships

Handbook for Excellent Restaurant Operations

Washington state has laws and rules regarding the relationship between alcohol manufacturers, distributors, and retailers. (RCW 66.28.010. WAC 314-12-114)

Following is a list of important rules you need to know:

- Unless specifically allowed by law or rule, retail licensees may not accept any discounts, gifts, loans, premiums, rebates, treats or services from any alcohol manufacturer, importer or distributor. (WAC 314-12-140)
- Manufacturers, importers and distributors may not give, lend or rent any equipment, fixtures or supplies to retail licensees. They may, however, sell them on a cash basis at not less than their cost of acquisition. (WAC 314-12-140)
- Distributors may build, rotate and restock displays and price products of their own brands for the
 retailer. A distributor can only handle another beer/wine distributors' products with reasonable prior
 notice (at least 24 hours). A beer/wine distributor may NOT handle other grocery items. (WAC 314-12140)
- Retail licensees may not enter into any agreement to sell any particular brand(s) of alcohol beverage to the exclusion of another brand. (WAC 314-12-140)
- Distributors may not make any sale of beer or wine dependent upon the purchase of any other product or item. (WAC 314-12-140)
- Distributors may only take back beer or wine that was delivered to a retailer in error, if the error is discovered and corrected within eight days of the delivery. (WAC 314-20-170 & 314-24-210)
- Distributors may replace outdated products with the identical quantity, type and brand of products. (WAC 314-20-170 & 314-24-210)
- Manufacturers and distributors may not extend credit to retail licensees. Checks, credit card, debit card
 or electronic funds transfer payments that are returned for insufficient funds may be considered an
 extension of credit and therefore a violation. (WAC 314-13-020)







Policy Statement:

Financial interest and/or ownership is allowed under the following conditions:

- An industry member in whose name a license or certificate of approval (COA) has been issued pursuant to Title 66 may wholly own or hold a financial interest in a retail liquor license under a separate legal entity. Example: Hops, LLC holds a brewery liquor license. Hops, LLC has two members:
 - 1. Ale Corp Mike Night, President and 100 percent stockholder
 - 2. Suds, Inc. Linda Day, President; Keith Day, VP & 100 percent stockholder Hops. LLC wants to obtain a retail spirits, beer, and wine restaurant liquor license. Hops, LLC would need to create a new business entity. (Ale Corp or Suds, Inc. could apply for a retail license. Mike Night as a sole proprietor or Linda Day as a sole proprietor could also apply for a retail license.
- A retailer in whose name a license has been issued pursuant to Title 66 may wholly own or hold a financial interest in a non-retail liquor license under a separate legal entity. Example: Kathy King has a beer/wine restaurant liquor license. The business entity is a sole proprietor. Kathy wants to start a winery. Kathy would need to create a new business entity (LLC or corporation) to file for a winery.
- A supplier in whose name or license or COA has been issued pursuant to Title 66 may wholly own or hold a financial interest in a distributor or importer under a separate legal entity. Example: Tom Smith has a COA liquor license. The business entity is a sole proprietor. Tom wants to apply for a distributor liquor license. Tom would need to create a new business entity (LLC or corporation) to apply for a distributor
- A distributor or importer in whose name a license has been issued pursuant to Title 66 may wholly own or hold a financial interest in a retailer under a separate legal entity. Example: AG, Inc., has a distributor liquor license. Don Smith is a corporate officer of AG, Inc. They want to open a beer/wine specialty shop. AG, Inc. would need to create a new business entity, (AG, LLC) to apply for the beer/wine specialty shop liquor license. Don Smith, as a sole proprietor, could also apply for a beer/wine specialty shop.

Industry members and retailers shall keep and maintain records on their premises for a three year period that includes all items, services, and money's worth provided to retailers and purchased by a retailer at fair market value.

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Penalties

Handbook for Excellent Restaurant Operations

The Liquor Control Board issues penalties for violations of liquor laws or rules. These violations are categorized into three groups. (CHAPTER 314-29 WAC)

Group one, public safety violations.

The standard penalty for this category of violations range from a five day suspension or a \$500 dollar fine, to license cancellation. These violations include:

- Minor frequenting a tavern, cocktail lounge, or other age restricted area
- Sales or service of alcohol to persons under 21 years of age
- Allowing or engaging in criminal conduct
- Allowing disorderly conduct on the licensed premises
- Alcohol sale or service to an intoxicated person, or allowing consumption and/or possession of alcohol by an intoxicated person
- Refusing to allow an inspection by a law enforcement officer

Group two, conduct violations.

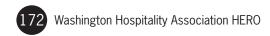
The standard penalty for this category of violations range from a five day suspension or a \$250 dollar fine, to license cancellation. These violations include:

- An employee under legal age or with no mandatory alcohol server training permit
- Required food service not available
- Alcohol sales, service, removal or consumption between 2 a.m. and 6 a.m.
- Misuse of license or unauthorized use of license
- Employee drinking on premise
- Lewd conduct
- Failure to follow suspension restrictions

Group three violations are for regulatory violations.

The recommended penalty for this category of violations range from a 5-day suspension or a \$1,500 dollar fine, to cancellation of your license. These violations include:

- Advertising violations
- Inventory below amount required
- Failure to properly register kegs
- Unauthorized alterations, change of trade name or added activity
- Inadequate lighting
- Alcohol purchased from unauthorized source or sale of alcohol below cost
- True party of interest violation (automatic cancellation)
- Failure to furnish required documents (automatic cancellation)
- Operating outside of license class







Any licensee who sells beer for off-premises consumption in kegs or other containers holding four or more gallons of beer must:

- Require the purchaser to provide at least one piece of acceptable identification.
- The licensee or employee and the purchaser must fill out a keg registration form, provided by the LCB through your local enforcement office.
- The seller affixes the keg registration form to the keg before it's removed from the premises.
- The keg registration receipts must be kept available for inspection as a part of the licensee's business records for a minimum of 1 year.

Books of keg registration forms are available from your local liquor enforcement office. Do not trade keg registration books or forms with other licensees-the numbers on the forms are recorded and checked out to your business. (RCW 66.28.200, 66.28.210, 66.28.220, WAC 314-02-115 and WAC 314-02-120)



Private Compliance Checks

Handbook for Excellent Restaurant Operations

Once approved by the Board, retail liquor licensees may conduct their own compliance checks using minors, under specific guidelines. (RCW 66.44.290, chapter 314-21 WAC)

Licensees who conduct private compliance checks, or "in-house controlled purchase programs," can improve their employee training on preventing the sale of alcohol to minors. In a controlled situation, the licensee would hire an 18, 19 or 20 year old person to attempt to purchase alcohol.

Before conducting private compliance checks the following apply:

- Licensees must receive prior written approval from the Liquor Control Board before conducting a controlled purchase program.
- Licensees can use their own employees or can contract with a third party to conduct a controlled purchased program.
- It is the licensee's responsibility to ensure the program meets the requirements of the law and rules.

Chapter 314-21 WAC outlines specific guidelines for controlled purchase programs. For more information, contact your local enforcement office.





FLOOR SPACE BARRIERS

Licensees must place identifiable barriers around areas that are restricted from persons under 21 years of age. These barriers must be at least 42 inches high, and the opening to these barriers may not be more than 10 feet along any wall. (WAC 314-02-025(3))

FOOD SERVICE REQUIREMENTS

Following is a summary of food service requirements for spirits, beer and wine restaurants.

- (1) A spirits, beer, and wine restaurant licensee must serve at least eight complete meals. The board may make an exception to the eight complete meal requirement on a case-by-case basis. Establishments shall be maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. For purposes of this title:
- (a) "Complete meal" means an entree and at least one side dish.
- (b) "Entree" means the main course of a meal. Some examples of entrees are fish, steak, chicken, pork, pasta, pizza, hamburgers, seafood salad, Cobb salad, chef's salad, sandwiches, and breakfast items (as long as they include a side dish). Entrees do not include snack items, or menu items which consist solely of precooked frozen food that is reheated, or consist solely of carry-out items obtained from another business.
- (c) Examples of side dishes are soups, vegetables, salads, potatoes, French fries, rice, fruit, and bread.
- (2) The restaurant must maintain the kitchen equipment necessary to prepare the complete meals required under this section.
- (3) The complete meals must be prepared on the restaurant premises.
- (4) A chef or cook must be on duty while complete meals are offered.
- (5) A menu must be available to customers.
- (6) The food items required to maintain the menu must be on the restaurant premises. These items must be edible.
- (7) Restaurants that have one hundred percent dedicated dining area must maintain complete meal service any time liquor is available for sale, service, or consumption.
- (8) Restaurants with less than one hundred percent dedicated dining area must maintain complete meal service for a minimum of five hours a day during the hours of 8:00 a.m. and 11:00 p.m., five days a week. The board may consider written requests for exceptions to this requirement due to demonstrated hardship, under such terms and conditions as the board determines are in the best interests of the public. Limited food service, such as appetizers, sandwiches, salads, soups, pizza, hamburgers, or fry orders, must
- be available outside of these hours. Snacks such as peanuts, popcorn, and chips do not qualify as limited food service.
- (9) The hours of complete meal service must be conspicuously posted on the premises or listed on the menu. A statement that limited food service is available outside of those hours must also be posted or listed on the menu.
 - (WAC 314-02-035)

MISCELLANEOUS GUIDELINES

- Persons under 21 are prohibited from working as a bartender in the lounge. Certain employees 18 through 20 years of age may enter the lounge under limited conditions. (WAC 314-11-040)
- Spirituous liquor may only be sold by the individual glass to be consumed on the licensee's premises. Sale by the individual glass means drinks in containers intended to hold an individual portion. Sale of martinis, manhattans, margaritas and other cocktails served in pitchers, large glasses or bowls from which two or more persons consume is prohibited. (WAC 314-02-015)



Spirits, Beer and Wine

Handbook for Excellent Restaurant Operations

- Hotels which have prior Board approval may sell liquor by the bottle to registered hotel guests for consumption in their rooms. (WAC 314-02-040)
- A spirits, beer and wine restaurant may allow the customer to bring their own wine into the restaurant for consumption with a meal. The restaurant may charge a corkage fee. (WAC 314-11-065)
- Wine may be removed from a spirits, beer, and wine restaurant if it was ordered with a meal and if it is recorked or recapped. (Once recapped, you may want to remind your customers that it must be placed in the trunk of their vehicle. It is illegal to have it in the passenger portion of the vehicle. Spirits, beer and wine restaurants may also sell any of their wines, growlers to go and kegs holding at least four gallons for off-premise consumption so long as the proper endorsement is obtained from the Board. (RCW 66.24.400(2), (WAC 314-11-065))





BEER AND/OR WINE RESTAURANT LICENSEES MAY SELL:

- Beer and wine by the opened bottle or can or by tap for on-premises consumption.
- Beer and wine in the original, unopened containers for off-premises consumption (if this privilege is applied for).
- Growlers to go: Tap beer and cider for off-premises consumption in a sanitary container holding less than four gallons of beer, and brought to the premises by the purchaser (if you also have the off-premises sale
- Beer in kegs or other containers holding at least four gallons (if you also have the off-premises sale privilege). (WAC 314-02-045)

Recorked Wine

A beer and/or wine restaurant may allow the customer to bring their own wine into the restaurant for consumption with a meal. The restaurant may charge a corkage fee. Beer and/or wine restaurants may also sell any of their wines and kegs holding at least 4 gallons for off-premises consumption so long as the proper endorsement is obtained from the Board. (RCW 66.24.400(2). (WAC 314-11-065)

Food Requirements

Beer and/or wine restaurant licensees must have food available for patrons during operating hours. The licensee must also have the necessary kitchen equipment on premises to prepare the available food. (WAC 314-02-035)

Minors

Persons under 21 are allowed in a beer and/or wine restaurant, unless the licensee has requested approval for a specific area of the restaurant to be classified as off-limits to minors.

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Tavern License

Handbook for Excellent Restaurant Operations

TAVERN LICENSEES ARE ALLOWED TO:

- Serve beer by the bottle or can or by tap for on-premises consumption.
- Serve wine for on-premises consumption.
- Sell beer and/or wine in the original, unopened containers for off-premises consumption.
- Sell tap beer & cider for off-premises consumption in a container holding less than four gallons of beer, and brought to the premises by the purchaser.
- Sell beer in kegs or other containers holding at least four gallons of beer (see page 127 regarding the requirements for registering kegs).
- Refilling growlers are covered in the new Rule and must be designed for other than single use and the vending/dispensing unit meet the requirements of the Rule

No minors are allowed in a tavern, except as outlined below. Tavern licensees must display a sign prohibiting minors. Signs are available at no charge from your local liquor enforcement office.

The law allows persons between the ages of 18 and 20 to be in a tavern only under the following circumstances:

- If they are professional musicians, disc jockeys or lighting and/or sound technicians supporting the musical group or disc jockey. There are specific guidelines for employing musicians 18-20 years old, please check with your local Liguor Enforcement officer.
- If they are performing janitorial duties after the tavern has closed.
- If they are employed by an amusement device company and they are installing, repairing, maintaining or removing an amusement device.

If they are a law enforcement officer, firefighter, or security officer that's on duty and not employed by the licensee. (WAC 314-11-040 and WAC 314-11-045)

Rev. 12/14/14





SPORTS/ENTERTAINMENT FACILITY LICENSE

A sports/entertainment facility license is a spirits, beer, and wine license for arenas, coliseums, stadiums, or other facilities where sporting, entertainment and special events are presented. (WAC 314-16-260)

Sport/entertainment facilities must provide an operating plan that requests what type of liquor service they wish to have during what events. This plan must show how the licensee will handle crowd control and prevent overservice and service to minors. See WAC 314-16-270.

NONPROFIT ARTS ORGANIZATION LICENSE

A nonprofit arts organization license allows a bona fide nonprofit organization to sell beer, wine and spirits by the individual serving in conjunction with artistic or cultural exhibitions or performances. (WAC 314-02-090)

The nonprofit organization must be organized and operated for the purpose of providing artistic or cultural exhibitions, presentations or performances or cultural or art education programs for viewing by the general public. See RCW 66.24.495(2) for specific organizational requirements.



Lodging

Handbook for Excellent Restaurant Operations

MOTEL LICENSE

A motel license allows a motel to:

- Sell liquor in locked honor bars in no more than one-half of its guest rooms, provided that:
 - Rooms are rented to guests, at a minimum, on a daily rental basis
 - Each honor bar also contains snack food
- Provide beer and wine by the individual serving to overnight guests of the motel, without additional charge, for on-premises consumption at a specified regular date, time and place (such as a hospitality room).
 Patrons may not self-serve during these functions. (WAC 314-02-075)

HONOR BARS IN HOTELS AND MOTELS

An "honor bar" is a cabinet, box, cooler, or refrigerator in a guest room that can be opened only with a key, combination, magnetic card or similar device. The following requirements apply to the use of an honor bar:

- The licensee must require proof of age before providing a guest access to an honor bar. The guest must sign a declaration, under penalty of perjury, verifying that:
 - The guest is 21 years of age or older.
 - No one under 21 years of age will have access to the liquor in the honor bar.
- The honor bars must remain locked whenever the room is rented to a guest under twenty-one years of age.
- All liquor stored on the licensed premises must be either locked in an honor bar or locked in a secured liquor storage room.
- No person under twenty-one years of age may have access to the honor bars, liquor storage rooms, or keys, combinations, etc., to the locked honor bars or storage rooms.
- A honor bar or storage room may only be replenished during those hours when liquor may legally be sold (not between 2:00 a.m. and 6:00 a.m.), and only by employees who are 21 years of age or older. Beer and wine wholesalers may deliver, price and stock product only in storage rooms.
- Liquor in honor bars may only be sold in individual containers in the following sizes:
 - Spirits not to exceed 50 milliliters; Beer not to exceed 12 ounces; and
 - Wine not to exceed 187 milliliters. (WAC 314-02-080)

BED AND BREAKFAST PERMIT

A bed and breakfast permit allows a bed and breakfast lodging facility to serve beer or wine without charge to overnight guests, for consumption on the premises. (WAC 314-02-085)







Spirits, beer and wine restaurants; beer and/or wine restaurants; and sports/entertainment facilities can apply for a caterer's endorsement. This endorsement allows you to remove the types of alcohol that you have approval to sell on your premises for service at:

- Events held by a non-profit society or organization; or
- Private events, such as receptions, held by invitation only.

The event cannot be held in an establishment that has a liquor license.

A copy of your Master Business License showing your liquor license class together with the catering privilege should be on display at each event you cater.

You are responsible to ensure that liquor is not sold or served to persons who are under 21 years of age or who appear intoxicated.

Catering

Beer and/or wine restaurant licensees may apply for an added caterer's endorsement. This endorsement allows you to take beer and wine off of your licensed premises to cater events at approved locations. See the Caterer's Endorsement page for more information on a caterer's endorsement.

Snack Bar License

A snack bar license allows a licensee to serve beer by the opened bottle or can for on-premises consumption only. Snack bar licensees must have food available whenever beer is sold or served. (WAC 314-02-065)

RCW 66.24.320, 66.24.320 and 66.24.570

Rev. 1/15/16



Catering License

Handbook for Excellent Restaurant Operations

There shall be a caterer's license to sell spirits, beer, and wine, by the individual serving, at retail, for consumption on the premises at an event location that is either owned, leased, or operated either by the caterer or the sponsor of the event for which catering services are being provided. If the event is open to the public, it must be sponsored by a society or organization as defined in RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined in RCW 66.24.375 is waived. The licensee must serve food as required by rules of the board.

The annual fee is two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license. The annual fee for a combined beer, wine, and spirits license is one thousand dollars.

The holder of this license shall notify the board or its designee of the date, time, place, and location of any catered event at which liquor will be served, sold, or consumed. The board shall create rules detailing notification requirements. Upon request, the licensee shall provide to the board all necessary or requested information concerning the individual, society, or organization that will be holding the catered function at which the caterer's liquor license will be utilized.

The holder of this license may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee.

The holder of this license is prohibited from catering events at locations that are already licensed to sell liquor under this chapter.

The holder of this license is responsible for all sales, service, and consumption of alcohol at the location of the catered event.

Rev. 1/15/16







All licensees and employees of premises that serve alcohol for consumption on the premises must have a Mandatory Alcohol Server Training (MAST) permit. On-premises liquor licensees include restaurants, clubs, taverns and sports/entertainment facilities. Employees must have their MAST permit within 60 days of employment.

*Exception: Employees conducting tastings at places like grocery stores and farmers' markets of grocery stores **do not** have a grace period. They must have a valid permit at the time of service.

Facts About MAST Permits

There are two types of MAST permits:

- The Class 12 Mixologist Permit (must be at least 21 years old) is required for persons who:
 - Manage persons who serve alcohol
 - Work as a bartender
 - Draw beer or wine from a tap
 - Mix drinks
- The Class 13 Servers Permit (must be at least 18 years old) is required for persons who:
 - Take orders for beer, wine or spirits
 - Deliver drinks to a customer
 - Pour beer or wine at a customer's table

Permits are good for five years, and must be available for inspection any time the permit holder is working. Permit holders must complete Mast Training classes every five years. (WAC 314-17-015 and WAC 314-17-025)

MAST Violations

The Liquor Control Board issues penalties to MAST permit holders who violate liquor laws. The standard penalty for a MAST violation ranges **from a minimum** of a 5-day permit suspension or \$100 fine to revocation of the permit.

Following are examples of MAST violations:

- Sale or service of alcohol to persons under 21.
- Service of alcohol to an apparently intoxicated person, or allowing an intoxicated person to consume or possess alcohol.
- Service of alcohol after hours, or allowing alcohol to be consumed or possessed after hours.
- Allowing disorderly conduct on the licensed premises.
- Allowing minors to frequent a restricted area (such as a tavern or lounge).
- Obstructing a law enforcement officer and/or failure to allow an inspection.
- Failure to produce MAST permit and ID upon request.

(WAC 314-17-105)



Mandatory Alcohol Server

Handbook for Excellent Restaurant Operations

MAST Training

The Hospitality Association Education Foundation offers ServSafe Alcohol training to help you and your staff serve alcohol legally and responsibly.

Visit whaef.org/training/ssa or www.SSAwashington.com for more information.

Rev. 2/10/17





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Olympia (Headquarters)

360.664.1731 3000 Pacific Ave. S.E. met@liq.wa.gov

Pasco

360.664.9878 2715 Saint Andrews Loop, Ste. B, 3rd Floor

Seattle

206.464.6094 4401 E. Marginal Way S. agc@liq.wa.gov

Spokane

509.625.5513 1303 W. Broadway engn@liq.wa.gov

Tacoma

253.471.5200 6240 Tacoma Mall Blvd., Roberson Building, Ste. 208 ksh@liq.wa.gov

Tukwila

206.439.3703 14900 Interurban Ave. S. agc@liq.wa.gov

Wenatchee/Cashmere

360.664.9878 PO Box 476 enfcustomerservice@liq.wa.gov

For a local WSLCB enforcement officer call 360.664.9878, or send an email to enfcustomerservice@lig.wa.gov for the following areas:

Bremerton **Everett** Vancouver Yakima **Tri-Cities**

For more information visit http://lig.wa.gov/enforcement.aspx.

Rev. 1/29/13



Playing Music in Your Business

Handbook for Excellent Restaurant Operations

If you wish to play any music in your establishment—whether it's recorded background music, live music, a juke box, or a disc jockey—you must have a license. As the business owner, you are responsible for obtaining the proper license, and you may be liable for copyright infringement if you do not. If your business is a corporation, stockholders and officers may also be held liable. Furthermore, you may be liable even if:

- Music is performed in a private club
- Music is performed by an independent contractor
- You do not know what music is being played
- Musicians play copyrighted music after being told not to
- The business is operating at a loss for charitable purposes
- Musicians are playing their own arrangements
- Music is on the radio or TV

Merely owning a CD, tape, record, juke box, radio, television or any other device that plays music does not give a business owner the right to play music for the public. There may be other situations, not listed above, under which a business owner will be liable for copyright infringement if he or she does not obtain a proper license.

Ways to avoid copyright infringement:

- Enter a music licensing agreement. One way to avoid copyright infringement is to enter a music licensing agreement with a performing rights organization (PRO). The four major PROs are BMI (800.925.8451), ASCAP (800.952.7227) SESAC (800.826.9996) and Global Music Rights (globalmusicrights.com). After entering an agreement with a PRO, you may play works by the artists it represents without infringing on their copyrights. However, because each PRO represents a different group of artists, you must still check to make sure that the music you wish to play is covered by your agreement. Furthermore, if you wish to play music by artists not represented by one of the three aforementioned PROs, you will need to make separate licensing arrangements.
- Purchase music from a music service. You may also avoid copyright infringement by purchasing music from a music service that will handle copyright clearance for you. Keep in mind, however, that you will still need to make separate licensing arrangements for any music played in your establishment that is not provided by the music service.
- If you have a jukebox, obtain a blanket license from the Jukebox License Office (JLO). JLO is a joint venture between BMI, ASCAP and SESAC. Purchasing a blanket license through JLO allows your jukebox to play all songs in the ASCAP, BMI and SESAC repertoires. Once you are licensed with the JLO, you will receive a certificate that must be displayed in the title strip holder of each jukebox you operate. If you already have music licensing agreements with BMI, ASCAP and SESAC, you do not need to purchase an additional juke box license. However, buying a jukebox license alone does not permit you to play music by any means other than a juke box, and not all juke boxes can be licensed through JLO. More information about juke box licensing can be found at the JLO website: jukeboxlicense.com.
- There are also streaming music alternatives. Contact the Washington Hospitality Association for details.

Exemptions:

If you play music over the radio or television only, you are exempt from copyright laws if (a) your establishment







is under 3,750 gross square feet in area (not counting the parking lot), or (b) your establishment is over 3,750 gross square feet and:

- You play no more than four televisions (no more than one per room), each measuring no more than 55" diagonally, with no more than six speakers total, and with no more than four speakers per room, and
- You play radios that nave no more than six speakers total, with no more than four speakers per room.

To qualify for the above exemptions, you must not charge a cover fee to see the television or listen to the radio.

Protections for Businesses That Play Music

Under House Bill 1763, which was signed into law in 2016 and became effective on Jan. 1. 2017, music licensing agencies cannot collect licensing fees in Washington unless they:

- Have a valid Washington UBI number.
- Register with the Department of Licensing and annually file an electronic copy of each performing rights agreement they use for royalty payments.
- Make available to business operators the most current list of each performing works to which they hold copyrights.
- The law also establishes a code of conduct for music licensing agencies, requiring that licensing representatives operating in Washington state:
- Must identify themselves and disclose that they are agency representatives.
- Must disclose the purpose of being on your property.
- May not engage in any coercive conduct or be "substantially disruptive" to your business.
- May not use obscene or abusive language when communicating with you or your employees.
- May not use or attempt to use any unfair or deceptive acts or practices in negotiating with you or your representatives.
- May communicate with you or your representatives during non-business hours by telephone or in-person at a location other than your business location only if you authorized them to do so.
- Must address all communication to your attorney if directed to do so by written notification from that attornev.

If the agency or its representatives violate any of the above, they are subject to a \$1,000 fine. The law also calls on agencies to conduct outreach campaigns to educate businesses on their rights and responsibilities regarding copyrighted music.

Rev. 1/9/18



Service Animals

Handbook for Excellent Restaurant Operations

Q: What laws apply to my business?

A: Under the federal Americans with Disabilities Act (ADA) and the Washington Law Against Discrimination (WLAD), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, theaters, concert halls and sports facilities, may not discriminate against individuals with disabilities. These laws require businesses to allow people with disabilities to bring their service animals into whatever areas customers are generally allowed. Violations may lead to money damages and penalties.

Q: What is a service animal?

A: Under both the ADA and the WLAD, a service animal is any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

A service animal must perform work or tasks directly related to the handler's disability. Most people are familiar with seeing-eye dogs that assist the blind. Service animals may also alert deaf individuals of the presence of people or sounds, pull a wheelchair, assist during a seizure, alert individuals to the presence of allergens, retrieve items such as medicine or a telephone, provide physical balance or support to those with impaired mobility, and help those with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

An animal that merely provides emotional support, well-being, comfort, companionship, or protection by being present is not a service animal.

Q: How can I tell if an animal is really a service animal and not just a pet?

A: In Washington, the legal requirements for service animals to be specially identified is the same as the ADA. Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability. You may ask what tasks the service animal is trained to perform, but you may not require special ID cards for the service animal, or ask about the person's disability. An individual who is going to a restaurant is not likely to be carrying documentation of his or her medical condition or disability. Therefore, such documentation generally may not be required as a condition for providing service to an individual accompanied by a service animal. You may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.

Q: Can animals other than dogs be service animals?

A: The definition of "service animal" under the ADA and WLAD excludes all species other than dogs. However, recent amendments to both laws require business owners to make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

Q: What must I do when an individual with a service animal comes to my business?

A: The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers.

Rev. 12/08/11







In determining whether reasonable modifications can be made to accommodate a miniature horse, a business may consider the type, size, and weight of the miniature horse and whether the facility can accommodate these features; whether the handler has sufficient control of the miniature horse; whether the miniature horse is housebroken; and whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Q: I have always had a clearly posted "no pets" policy at my establishment. Must I still allow service animals in?

A: Yes. A service animal is not a pet. The ADA and WLAD require you to modify your "no pets" policy to allow the use of a service animal by a person with a disability. This does not mean you must abandon your "no pets" policy altogether but simply that you must make an exception to your general rule for service animals.

Q: My county health department has told me that only a seeing eye or guide dog has to be admitted. If I follow those regulations, am I violating the ADA and WLAD?

A: Yes, if you refuse to admit any other type of service animal on the basis of local health department regulations or other state or local laws. The ADA provides greater protection for individuals with disabilities and so it takes priority over the local or state laws or regulations. Furthermore, there is no evidence that healthy, vaccinated, well-trained service animals are any greater threat to public health and safety than members of the general public.

Q: Can I charge a maintenance fee for customers who bring service animals into my business? A: No. Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition to allowing a service animal to accompany the individual with a disability, even if deposits are routinely required for pets. However, a business may charge its customers with disabilities for damage caused by a service animal, so long as it is the regular practice of the business to charge non-disabled customers for the same types of damages. For example, a hotel can charge a guest with a disability for the cost of repairing or cleaning furniture damaged by a service animal if it is the hotel's policy to charge when non-disabled guests cause such damage.

Q: Am I responsible for the animal while the person with a disability in my business?

A: No. The care or supervision of a service animal is solely the responsibility of the person it accompanies in your business. You are not required to provide care or food for the animal.

Q: What if a service animal barks or growls at other people, or otherwise acts out of control?

A: You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other quests or customers may be excluded. You may not, however, make assumptions about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually. Additionally, you should give the individual whose service animal was excluded the option of continuing to enjoy your establishment without his or her service animal present.



Service Animals

Handbook for Excellent Restaurant Operations

Q: Can I exclude an animal that doesn't really seem dangerous but is disruptive to my business?

A: You may exclude such an animal under very limited circumstances. Specifically, a business is not required to accommodate a service animal when doing so would result in a fundamental alteration to the nature of the business. Generally, this is not likely to occur in restaurants, hotels, retail, stores, theaters, concert halls and sports facilities. But when it does, for example, when a dog barks during a movie, the animal may be excluded.

Q: Can I refuse service to a person with a service animal if my employee or other customers are afraid of animals or have animal-specific allergies?

A: No. Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service animals.

Q: May I exclude a service animal in training or a person who does not have a disability but says that his or her animal is a trained service animal?

A: Yes. The WLAD and ADA do not address animals that are not trained. While you may choose to accommodate these animals, you are not legally obligated to do so. Additionally, the WLAD and ADA protect the rights of individuals with disabilities, and do not apply to non-disabled individuals, even if they happen to be accompanied by trained service animals.

Q: What if I have more questions?

A: If you have further questions about service animals or other requirements of the ADA and WLAD, call:

- U.S. Department of Justice's ADA Information Line 800.514.0301 (voice) 800.514.0383 (TTY)
- Washington State Human Rights Commission 800.233.3247 (voice) 800.300.7525 (TTY)









Washington state's Smoking in Public Places Law (RCW 70.160) defines smoking as "carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment" This does not describe the use of e-cigarettes. As a result, they are not restricted by state law. Any restaurant can, however, ban their use as a private policy.

While there is no statewide ban on the use of e-cigarettes in public places, Grant, King and Pierce counties, and the City of Pasco do ban their use in public places, including restaurants.

For more details on the local regulations, see:

- King County http://www.kingcounty.gov/healthservices/health/tobacco/facts/ecigs.aspx
- Pierce County http://www.tpchd.org/files/library/3b0c0704cb355885.pdf
- Grant County http://www.granthealth.org/_content/Smoking/GCHD%200rdinance%202014-2.pdf

Rev. 12/16/14



Education Foundation

Handbook for Excellent Restaurant Operations

Mission Statement

Helping our workforce succeed through turning, education and creating connections to our industry members.

Meeting the Educational Needs of Restaurateurs

We offer three training courses designed to provide you and your staff the most up-to-date information on the topics that concern you most. ServSafe Manager, ServSafe Alcohol, Spot Check Allergy Safe Certification, First Aid/CPR, Human Trafficking and American Hotel & Lodging Educational Institute programs are available in locations around the state with discounts to our members. If a classroom setting doesn't work for you, both the ServSafe Advanced Food Safety* and ServSafe Alcohol courses are available online.

*Testing requires having a proctor in-person.

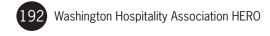
Visit whaef.org/training/ssa for more information.

Training Tomorrow's Workforce Today

- ProStart® Designed by the National Restaurant Association, ProStart is a program that allows high school juniors and seniors to learn about the diverse opportunities available in our industry and obtain the skills they need to succeed in a hospitality career.
- ProSafety A training program developed by Labor & Industries and the Hospitality Association for supervisory staff and employees which actively encourages safe working practices for teens in the workplace.

ProStart® and ServSafe® are registered trademarks of the National Restaurant Association Educational Foundation

Rev. 2/8/17







ServSafe Alcohol® is a vital, practical and current responsible alcohol service training program available and accepted in 47 states, including Washington. Developed by the National Restaurant Association, ServSafe Alcohol implements the same approach ServSafe® pioneered as the industry's most recognized food safety training and certification. It is also approved by the Washington State Liquor Control Board.

ServSafe Alcohol Washington incorporates Washington specific laws and regulations as required in all mandatory alcohol server training programs in Washington state. By providing this state specific training throughout the standard ServSafe Alcohol material, students receive two certifications upon course and exam completion; the ServSafe Alcohol certificate and the Washington state required Class 12 or Class 13 permit.

By providing practical knowledge and best-in-class resources, ServSafe Alcohol helps servers put knowledge into action when it matters most. That makes ServSafe Alcohol the smart training solution for every operation and every classroom.

ServSafe Alcohol is the practical and comprehensive approach to responsible alcohol service training and certification.

Real-world expertise makes a real difference.

ServSafe Alcohol was developed with input from experts in the restaurant, legal, regulatory, academic, insurance, medical and law enforcement fields. Together, they determined the tasks that the front-of-thehouse needs to know. It's a holistic approach that helps assure everyone has the training they need to serve alcohol responsibly.

Visit www.SSAwashington.com to get started!

Ouestions?

Contact the program coordinator at training@wahospitality.org or call 877.695.9733.



ServSafe® Allergens

Handbook for Excellent Restaurant Operations

More than 45 million Americans suffer from food allergy and sensitivity related illnesses, and each year that number increases significantly. Plenty of your customers are included in that figure, and if you're not prepared to meet their unique needs, don't count on them risking their health to dine in your establishment.

Some states have passed legislation – and more are expected to – requiring food service operators to train their employees in this emerging area of consumer safety. The Washington Hospitality Association Education Foundation is taking the first step to help the Washington state food industry ensure that their staff members are educated on how to serve guests with special food allergy needs.

ServSafe Allergen

Developed by ServSafe, the name our industry has trusted for over forty years, this online food allergy program is available to your employees 24 hours a day. Interactive, comprehensive, and completed in approximately 90 minutes – this program is a great starting point for both front and back of the house employees. Topics covered include:

- Defining food allergies
- Recognizing symptoms
- Identifying allergens
- Dangers of cross-contact
- Proper cleaning methods

Managing which employees have taken the course is easy using ServSafe's online course management program. You can purchase the course, email the information to your employees and monitor their progress all in one place.

Questions?

Contact the program coordinator at training@wahospitality.org or call 877.695.9733.

Visit www.foodallergens.com to get started!







ServSafe Advanced Food Safety certification course was developed by the National Restaurant Association Educational Foundation to train foodservice workers in food safety and sanitation. Training includes the HACCP system of training employees in proper preparation and service techniques. Registration is required at least 14 days in advance of all class dates as materials are sent to attendees in advance for pre-study. The course, as offered through the Hospitality Association's Education Foundation, is a 6 hour review course which includes time for taking the examination. While the course is taught in English, materials and examinations are available in English, Spanish, Chinese and Korean.

Employees who successfully pass the examination will receive a 5 year certification that is recognized both by Washington state and nationally. We also offer an instructor examination, at no additional charge, should your establishment wish to have a ServSafe Advanced Food Safety instructor in-house. Topics include food safety, the flow of food through the operation, food safety management systems, facilities, pest management, food safety regulations and employee training.

Course benefits include:

- Reduce the risk of health code violations that can result in fines or closure.
- Protect your customers from food borne illness through education.
- Extend your Food Worker Card out to five years.
- Meets the "Person in Charge" knowledge requirement in the WA State Food Code

ServSafe Advanced Food Safety

Classes are held regularly throughout the state. For the current class listing, check the class schedule on our website: www.whaef.org/training/calendarschedule/

Pricing listed is for attending a Washington Hospitality Association EF class and includes: six hour review course, ServSafe Essentials textbook, answer blank and test proctoring. To be eligible for proctor only pricing, attendees must have completed the ServSafe course online before testing.

Ouestions?

Contact the programs coordinator at training@wahospitality.org or call 877.695.9733, ext. 135.

Rev. 2/13/17



Training Youth - ProStart®

Handbook for Excellent Restaurant Operations

What is ProStart®?

ProStart® is a nationwide, two-year hospitality program that develops culinary techniques and management skills in high school students. ProStart's® industry-driven curriculum links classroom learning with hands-on experience to develop the best and brightest talent into tomorrow's restaurant and foodservice leaders. With support from community-minded industry members, Washington's ProStart® program reaches more than 1,500 high school students per year.



Industry and Classroom Connection

ProStart® gives students a platform to discover new interests and talents, and opens doors for fulfilling careers in the hospitality industry. Industry operators serve as mentors and provide support for ProStart® students by helping them make a real connection to their goals and their future.

Making a Difference is Easy

From teacher to role model, mentors and ProStart® supporters play many different roles in the lives of ProStart® students. Support from local hospitality leaders results in educated, motivated and professional hospitality industry employees, and provides an example of how our industry continually gives back.

ProStart National Certificate of Achievement

The ProStart National Certificate of Achievement (COA) is an industry-recognized certificate awarded to students who have completed the requirements of the ProStart program. To earn the COA students must complete the two-year ProStart program, pass two national exams, demonstrate mastery of foundation skills and work 400 internship hours. Students receiving their COA are eligible for National Restaurant Association Educational Foundation scholarship opportunities and course credits at more than 75 of the country's leading hospitality and culinary arts colleges and universities.

Industry Involvement

The success of the ProStart program and the future of students in the industry depends on industry leaders like you. You can help create the leaders of tomorrow by supporting ProStart through:

How to Get Involved

There are many ways to support the ProStart® program on local and statewide levels:

- Mentor—connect with local ProStart® students and educators to help advise classes, speak on industryrelated topics, prepare a team for competition, host a field trip to your business and use your experience and knowledge to help our students succeed.
- Donate—Assist ProStart classes by supporting their fundraising programs or by donating product, equipment or curriculum.
- **Sponsor**—Sponsor one of the Washington Hospitality Association's annual fundraising events.
- **Hire**—Give ProStart students priority as ready-to-work candidates and help them gain the hands-on experience they need to succeed.

The opportunities to help are endless, so are the rewards your organization will receive in working with ProStart students and supporting their success. Contact us today to learn more about how you can get involved with ProStart.

Washington Hospitality Association Education Foundation Executive Assistant 877.695.9733 or prostart@wahospitality.org.







Through the Washington Hospitality Association Education Foundation, local hospitality businesses can become directly involved with shaping the face of tomorrow's industry workforce.

Why would you want to be involved?

- As a mentor, you would have the opportunity to create a partnership with your local high school.
- You have the chance to guide students toward practical experience through on-site, hands-on, paid internships.
- Students get a head start toward exciting and rewarding hospitality careers.

What are the benefits of becoming a mentor?

- As a business owner, you gain motivated student employees who are focused on the industry as a career.
- You help prepare and guide students into becoming qualified and experienced employees.
- You have a chance to give back to the community.
- Gain motivated student employees who are focused on the industry as a career.
- Groom potential employees by creating a rewarding work experience.
- Contribute to the industry by helping create a high-quality labor pool.
- Market your business by giving back to your community.

Through the Washington Hospitality Association Education Foundation, local hospitality businesses can become directly involved with shaping the face of tomorrow's industry workforce by working with students and schools in the ProStart program.

Ways to be involved:

- Mentor a ProStart class
- Mentor student employees at your facility
- Assist teams prepare for the annual ProStart Invitational
- Host a tour of your operation or to your vendor's facilities
- Guest speak to a class or multiple classes
- Sponsor a field trip to a local show or restaurant
- Donating products or equipment
- Support fundraising efforts

If you want to be a part of training tomorrow's workforce today, please contact the Washington Hospitality Association Education Foundation at 877.695.9733 or prostart@wahospitality.org.



SPEAK OUT

ERNWest – Workers' Compensation

Handbook for Excellent Restaurant Operations

Washington Hospitality Association introduced the Retrospective Rating program (RETRO) to the Washington restaurant industry in 1986. Since then, Washington Hospitality Association's RETRO has grown to be the third largest RETRO program in the state, helping numerous member participants to realize savings on their workers' compensation premiums.

Benefits:

- Improve your safety ratings so you save money upfront on your L&I premiums
- Save time with claims assistance
- Access to tools designed to help your business: new hire safety orientation, how to perform a safety inspection, accident reporting procedures, and more
- Annual refunds to help you save money in the long run

Hospitality Association member pricing: Available to Washington Hospitality Association members only.

To pre-qualify, go to http://wahospitality.org/wise-buy/retro/. Download the Getting Started in RETRO Form and fax it to Washington Hospitality Association, attention: RETRO Department, at 360.357.9232.

New enrollment and participation status:

Washington Hospitality Association RETRO Coordinator 800.225.7166

Customer Relations Coordinator – Stella Hoyman, ERNwest. 253.237.0808 or SHoyman@ernwest.com.

*RETRO is administered for members through the Washington Hospitality Association subsidiary, MSC. Some RETRO services are provided through contracted services with ERNwest. The Washington Hospitality Association cannot guarantee individual L&I refunds, but has successfully issued refunds every year since inception.

Rev. 2/13/17







How Does Your Restaurant Measure Up?

By Kathy Chaffee Groff

Successful restaurant operations are usually made up of a delicate balance of financial, staffing and operations. There are indicators in each of these areas to measure the results of your efforts.

Here are some recommended methods for measuring your successes.

Financial measurement (if you have goals to measure up to you are more likely to get there)

- Annual plans and budgets are carefully built using past history and future projections. These are then clearly communicated to the restaurant team.
- Quarterly reviews should be conducted to assess actual results to goals. If the goals are being met, great! If they are not, revisions or problem solving sessions to correct deficiencies should take place.
- Monthly profit/loss statements should be reviewed by key personnel (again, budget to actual) and areas of concern discussed and rectified.
- Weekly management team meetings as a group are an excellent way to keep the whole team focused on the larger set of financial results.
- Weekly one-on-ones with individual players allow for personal coaching and problem solving. Each team member should have their own set of goals and operating accounts.

Staffing measurement

- Post training review should occur for anyone completing their initial training program. This is true for managers and crew members alike. I recommend that this review take place within one month of the completion of training. This is an opportunity to assess whether the new staff member is a "fit" with the existing team and whether they may need additional training for their position.
- Daily and weekly coaching sessions. These can be accomplished with pre-shift or post-shift meetings for a work group or for an individual. If you regularly discuss good performance and areas needing improvement, the expectations for performance will be clear and in focus for your staff.
- Regular performance appraisals are critical in measuring the performance of your team. Whether they are conducted once a year, 2 times a year or quarterly, it's important that they are planned and effective. Everyone needs to know how they are doing in the work place. This measurement should coincide with their job descriptions and training pieces.

Operations measurement

- Guest comment cards can be a very effective way to gain input on how your guest perceives your efforts. These can be made available to all guests at all meal periods and collected and tallied daily or weekly. Or, you can opt to put out forms quarterly and gather the data. The goal here is to monitor "trends," whether they are good or bad. Usually the cards are designed to measure the front desk, service staff, food and beverage, etc. They are an effective way to measure a problem area, whether it is timing, value perception or friendliness and competency of staff.
- Shopper programs can be a very valid way to gather guest information. You can pay to have this type of service or you can select your own choice of diner outside of your business to come in and measure how you are doing. Their experience gives you another set of eyes on your operation.



Is Your Restaurant Successful?

Handbook for Excellent Restaurant Operations

Food/beverage/service reviews are easily conducted in-house by your managers and chefs. I recommend that at least once a quarter, you have a representative from the kitchen dine and give their feedback. As well, there should be a measurement from the front of house. It's helpful to involve crewmembers here as well, to allow them to learn from the experience.

Wrap up

Measurement pieces are very important for the health of your restaurant operations. They are all various forms allowing for you to identify and then correct deficiencies. They also allow a great opportunity to reward good performance.

Your staff comes to work to do a good job. Help them focus on what that good job is all about. Help them to understand that housekeeping reviews, timings, and all of the areas listed above are about gathering information on how you are doing and then acting on it!

Kathy Chaffee Groff, a Washington Hospitality Association Consulting Network consultant, runs Restaurant Solutions, a company founded 17 years ago, based on her desire to empower restaurateurs to achieve optimal financial, staffing and operating results.





Making your Children Owners of your Restaurant Company

By Gerry E. Adams, CPA, CHAE

Making your children owners of your company is not only fraught with business and tax issues, but emotional issues as well. It is difficult to turn over ownership and control of a business that you have created and built over many years. In addition, no parent ever wants to be beholden to their children.

Throughout my career as an accountant, I have been fortunate to work with numerous family-owned businesses. It has given me the insight into understanding the universal issues faced by any parent wanting the best for their business and their family.

With this experience comes many "war stories" concerning generations of family members who will not speak to each other on account of power struggles triggered by inappropriate family planning. It is painful to watch and very difficult to fix. The primary reason for that is because you, the parent, at some point are no longer around to insist on the kids acting like adults and to keep the peace. This is sad, but true.

Bringing kids into your business is usually the first "real" opportunity you will have as a parent and business owner to really mess up! The rest of your estate and business succession planning is just "icing on the cake." But there are many local success stories out there. I can think of at least 15 Seattle restaurant companies that are either being run by second or third generation members of the founder's family, or companies that currently have the next generation on a track to run the company in the future. It is important to remember that it can be done successfully!

A Seattle succession planning consultant, Bruce Michels, has three rules for parents who are considering bringing their children in to run the family business.

- They must complete a college education. The child must be qualified.
- They must spend time working for another company. Three years is recommended before coming to work at the family business. This provides them with experience and humility.
- If they are married, they must enter into a pre- or post-nuptial agreement with their spouse. This helps ensure that the company ownership will stay in the family.

In today's environment, a fourth rule may be necessary...

• No drugs, whatsoever. How can you ask prospective employees to take a drug test and not do the same of your children?

Assuming you have followed Bruce's advice, how would you transfer ownership?

Consider creating a family limited partnership. It works this way: First, a new entity is created called the XYZ Family Limited Partnership. Into that entity, you contribute the ownership of your business, and generally take back a small general partner interest and the balance as a limited partner interest.



Handing Down the Family Business

Handbook for Excellent Restaurant Operations

As you know, whoever owns the general partner interest effectively controls the company. So, it's possible to own 1 percent as a general partner and control the entire company—even though the limited partners own 99 percent.

Next, you start a gift program by carving up your limited partnership interests into pieces and then giving some of those pieces to your children. Each year, you can give away more limited partnership interests. Your children can also purchase interests if they wish and you agree.

The benefits of this program are numerous. Your children get ownership while you maintain control. It's an easy method to transfer ownership, because you transfer limited partnership interests, not the underlying business assets. Plus, you reduce your estate tax liability. In the end, someone must have ownership control just as you had, which means that you can't treat all the children equally and fairly.

Note: This example is an oversimplification. The issues and options are numerous and must be considered carefully. Keep in mind that there are many other ways to admit children to your business — this is just one idea.

ANY TAX ADVICE IN THIS COMMUNICATION IS NOT INTENDED TO BE A "COVERED OPINION" AS DESCRIBED UNDER IRS CIRCULAR 230. IT IS THEREFORE NOT INTENDED TO BE USED, AND CANNOT BE USED, BY A CLIENT OR ANY OTHER PERSON OR ENTITY FOR THE PURPOSE OF (1) AVOIDING PENALTIES THAT MAY BE IMPOSED ON ANY TAXPAYER OR (2) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY MATTERS ADDRESSED HEREIN.

Gerry Adams, a Washington Hospitality Association Consulting Network consultant, is a CPA at Peterson Sullivan. He has 30 years of experience with the hospitality and food service industry in all aspects of business planning, taxation and assurance work.

Rev. 2/10/17







Increase Productivity to Increase Profitability

By Rick Braa. CHAE

Numbers rule! Numbers tell the truth, they eliminate drama, they're fascinating and most of all they can help you make more money. But numbers that measure productivity can help the most.

A restaurant is a mini manufacturing plant. Restaurant processes mimic food manufacturing by receiving raw goods, converting them to finished goods and delivering those to the customer. In the manufacturing industry, worker productivity is a key measurement to evaluate profitability. Worker productivity in the restaurant industry correlates to better profitability just as it does in the manufacturing industry.

Labor percentages are the most commonly used measurement in the restaurant industry, yet percentages are rarely used in the manufacturing industry. Why? Because worker productivity measures how much product is produced, regardless of sales price. Labor percentages move up or down with the sales price of a product—they have nothing to do with productivity. It's important to measure beyond labor percentages in a restaurant to maximize worker productivity and drive profitability. It's critical to measure productivity by work group (front of the house/kitchen), position (server, busser, cook, prep, bartender, etc.) and individual.

Five of the best measurements are:

- 1. Kitchen plates per hour: Plates produced from the kitchen, divided by number of hours worked in the kitchen. This is a straightforward calculation focused on food production. The more plates produced translates to higher productivity. Too high of a plate count and food quality may suffer, too low of a count may indicate overstaffing.
- 2. Guests served per hour: Number of guests served in the dining room, divided by the number of hours worked by the front of house staff (exclude bar). This ratio indicates whether staffing is proportionate to business volume. For example, if a restaurant has eight people on the floor and two guests in the restaurant, the ratio is too low and staffing is not appropriate.
- 3. Sales per server hour: Dining room sales, divided by number of hours worked by servers. There are only a few places where revenue can be generated and servers are the main source of revenue in the dining room. If the ratio is too high, perhaps the guest is not receiving proper attention. If the ratio is too low, perhaps the servers are less productive than desired.
- **4. Drinks per bartender hour:** Number of drinks produced by the bar, divided by bartender hours. This number not only indicates how fast a bartender is capable of producing a drink, but also how many drinks are being sold throughout the restaurant. Raising the drink-to-food ratio drives revenue.
- **5. Comps per transaction:** The number of items produced (food or beverage) compared to the number of items that are remade. For example, if one item was remade because of a mistake, and there were 100 items produced in the kitchen, the ratio would be 1:100. As the ratio improves so does productivity and teamwork. The focus should be on getting the order right the first time and eliminating waste. The server makes sure the order is taken and keyed into the POS accurately, and the kitchen/bar makes sure the item is produced accurately.



Easily Increase Profitability

Handbook for Excellent Restaurant Operations

Become the benchmark for productivity measurements. Stay focused on how your restaurant is performing, regardless of the competition or industry standards. Measure yourself day by day, period by period, and set goals to improve. As productivity improves, so will the bottom-line, regardless of concept. The result of higher worker productivity is better morale, less drama, an improved guest experience and increased profit. Everyone wins when you realize one fact: Numbers rule!

Rick Braa, a Washington Hospitality Association Consulting Network consultant, is the founder/principal of BRAA Associates, LLC., a firm committed to helping companies improve profitability.





Understanding the True Costs of Employee Turnover By Rick Amero

Of all the threats and challenges your company can face in this economic downturn, losing top performers can be one of the most damaging. It is often said that we do not have a turnover problem—we have a retention problem. No matter how you look at the issue, turnover at the unit level remains an unfortunate constant in the restaurant industry.

Retaining valuable employees and workforce stability is key to any company's success and longevity. Employees represent the brand, the image and core values of your organization, which means that you lose a sense of the company's history when people leave.

Business strategist and futurist, Roger Herman, emphasized that the employee turnover problem is more than just finding enough people to fill the vacant positions. Turnover is a real dollars and cents issue. Turning over one employee can cost around half of a skilled hourly worker's annual wages plus benefits, while losing a member of upper level management can cost 3 to 5 times his or her annual wages and benefits. Most executives sense that employee turnover is expensive, but few comprehend the real numbers that affect the bottom line.

Workers are at a premium in today's economic and demographic climate. And yet our industry continues to struggle to retain these employees—a failure that comes at a great cost. According to People Report, the cost of turnover can be divided among into four general areas: separation, replacement, training and opportunity costs.



Employee Turnover

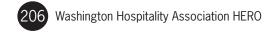
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| Category | Per Unit Level Manager | Per Unit Level Employee |
|---|---------------------------|----------------------------|
| Separation Costs | | |
| Time and travel costs for exit interviews | \$149 | \$16 |
| Administrative activities | \$171 | \$178 |
| Separation/Severance pay | \$1,767 | N/A |
| Vacancy costs for overtime or temporary employees | \$2,305 | \$255 |
| Increase in unemployment payment | \$674 | \$37 |
| Other | \$200 | \$50 |
| Replacement Costs | | |
| Attracting applicants (advertising, time, etc.) | \$1,372 | \$354 |
| Executive search or recruiter costs | \$1,741 | N/A |
| Interviewing | \$627 | \$60 |
| Pre-employment testing | \$347 | \$27 |
| Travel/Moving expenses | \$2,049 | N/A |
| Pre-employment administrative expenses | \$216 | \$53 |
| Other | \$1,468 | \$576 |
| Training Costs | | |
| Trainer time | \$3,257 | \$388 |
| New employee's time | \$6,734 | \$367 |
| Travel expenses | \$1,894 | N/A |
| Training materials, computer time, etc. | \$236 | \$58 |
| Training time by colleagues (informal training) | \$1,025 | \$115 |
| Other | N/A | \$705 |
| Opportunity Costs | | |
| If you were to estimate the cost for lost business or customer service, difference in performance for replacement of employees, and loss of departing person's knowledge, what would the costs be? (Annual Cost Numbers reflected here) | \$9,732 | \$1,886 |
| Average Total Cost of Turnover | \$35,964 | \$5,125 |

Source: People Report, "New Economy Workforce in a Bricks and Mortar World", 2008

What Can You Do About it?

The stakes are clearly high when it comes to retaining good employees and managers within your company.







The following five employee retention tactics exemplify the practices of companies that retain their best employees.

- 1. Turnover often starts with a bad hire. A Harvard University study reports 80 percent of turnover can be blamed on mistakes during the employee selection and hiring process. If your company wants to reduce turnover, the first step is developing a structured, rigorous and repeatable hiring process that is conducted by trained and competent managers. Doing so can help to make hiring decisions much more objective and can reduce liability exposure from lawsuits for employment discrimination. Every person you hire needs to have the right skill set for the job, demonstrate the ability to do the work and be a fit for the organization's culture.
- 2. Offer a competitive compensation package. Your "A" player employees are motivated by doing good work and fair pay. Any team member wants to feel that he or she is being paid appropriately and fairly for the work they do. Be sure to research what other companies are offering in terms of salary and benefits. It is also important to research what the regional and national compensation averages are for that particular position. You can be sure that if your compensation package is not competitive, employees will find this out and look for employers who are willing to offer more competitive compensation.
- 3. Develop a good on-boarding and orientation program. When a new employee joins your company, consider enrolling them in an employee ambassador program. An employee ambassador program is where they are paired with a seasoned employee for the purpose of making a smooth transition into the company. Ambassador activities include a welcome note sent to their home, a welcome breakfast, regular lunches and ongoing communication to ensure the new employee adjusts to their new environment. People want and need to feel included in a group. By making personal connections to others in the company, bonds are formed, and the connection to the company becomes stronger.
- 4. Provide the tools and training an employee needs to succeed. Nothing can be more frustrating to an employee than a lack of training or the proper tools to successfully complete his or her duties. Providing the new employee with the tools and training they need to be successful shows a commitment and investment in that employee and will encourage them to stay with the company.
- 5. Management must take the time with employees. It is often said that employees leave their supervisors and not the company. Managers are very busy, but it is crucial that managers and supervisors take the time to get to know their employees. Learn and remember team members' names, what skills and talents are unique to them and what their interests in life are. The famous quote, "People don't care what you know until they know you care" is very true when you are leading people. If a manager or supervisor is not respected or trusted by employees, turnover will occur in only a matter of time.

Finding and keeping capable employees will always be challenging but not impossible. Following these tips can help to greatly improve the levels of employee retention in your organization. Take some time and seriously evaluate what your organization is doing to encourage a high-retention workforce. Having a seasoned and well-trained workforce can deliver a competitive advantage that is difficult to replicate.

Rev. 12/13/14



How to Sell Your Restaurant

Handbook for Excellent Restaurant Operations

Selling Your Restaurant? Flexibility is Key

By Tom O'Brien

Thinking of selling your restaurant? In a market abundant with available restaurants, the ability to set your business apart from the multitude of other opportunities is essential. You'll have the largest pool of qualified buyers, spend less time on the market and be rewarded with the best sale price. To achieve this, you would more than likely clean your facility from end to end. Tend to any deferred maintenance issues. Get your past and current financial information organized and readily available.

All of these efforts are diligent and will entice buyers, but is there anything else you can do to make your business more attractive?

Yes. Be open to financing a portion of the selling price.

In the past, many restaurant acquisitions were financed with the buyer utilizing the SBA 7(a) program. Although this program is currently available today, meeting lender's loan criteria has become much more difficult. There is no real, tangible collateral in a typical business transaction, so the lender will heavily weigh the past performance and profitability of the business, as well as the experience of the buyer to repay the loan. With the lack of lending sources and tighter lending requirements in play, many restaurants will not qualify for financing.

When financing a portion of the purchase price you will be acting as the bank. Just like a bank, you will want to investigate the creditworthiness of the buyer. Ask the buyer for a credit report, personal financial statement and resume describing their past business or restaurant experience. Understand what the buyer intends to do with the business. If they intend on changing the business concept rather than running it status quo, there is additional risk to you if you have to take it back. Make sure that the buyer has enough operating capital after your required down payment to cover licensing, permits, inventory and day to day operations. Selling your business to someone with no cash reserves is a recipe for failure.

The promissory note is typically secured by UCC-1 financing statement, UCC-2 fixture filing and security agreement covering the furniture, fixtures and equipment used in the business. If the buyer forms a corporation or LLC to purchase the business, require a personal guaranty—a collateral agreement to answer for debt in case the buyer defaults.

Another suggestion is to incorporate a cross-default clause. The cross-default clause ties the business premises lease to the promissory note. If the buyer defaults on the lease, it triggers a default in the promissory note and vice versa. Chances are the landlord is going to require you to stay on the lease as an additional guarantor anyway. If you are fortunate to receive all cash, try and limit your guarantee to the least possible time period. When carrying a note, you may want to insist on obtaining the right to re-enter the business premises in the event the buyer defaults on the lease or the promissory note. Consult legal counsel to make certain that you are secured and protected when financing a portion of the sale.

In our current economic climate, seller financing can expand your selling potential to many more qualified buyers. It will give buyer confidence that the business will pay for itself. Usually, it will provide for a higher sales price in a shorter amount of time.

Tom O'Brien is an associate broker with Steele Development Corporation and a Washington Hospitality Association Consulting Network contributor. Food establishment permits are not transferrable from the previous owner.







One of the most beneficial ways to increase efficiency and save your company money is to offer flu shots for your employees. Influenza (flu) affects nearly 10 percent of the U.S. workforce every year, according to the Immunization Action Coalition of Washington (IACW). The flu costs employers billions of dollars in lost work time and physician visits.

On average, a person who gets the flu will lose approximately two to three days of work and may experience a reduction in their effectiveness at work for two more days, according to the IACW. One study showed that employers save nearly \$46 per vaccinated employee because of decreased use of sick leave and physician visits.

The Centers for Disease Control and Prevention recommends three vaccinations for adults: Influenza. Pneumococcal—a type of bacterial pneumonia that kills approximately 15,000 people each year and Tetanus—a serious infection of the central nervous system caused by a bacterial infection. These diseases are serious, but preventable.

"As our population ages, more and more patients acquire chronic diseases that put them at risk of serious complications and even death from these eminently preventable diseases," states Dr. Karen Anderson, board certified General and Preventive Medicine physician and KPS Medical Director.

Both Influenza and Pneumococcal are airborne diseases easily spread between people through coughing, sneezing or runny nose. This makes everyone who works with the public extremely susceptible, including the hospitality industry.

Although Tetanus is not contagious from person to person, it is important to be vaccinated. According to WebMD, the bacteria enter the body by burns, splinters, a rusty nail or any dirty object. Tetanus causes spasms of the jaw or facial muscles, then spreads to the hands, arms, legs and back, and blocks the ability to breathe.

Check out these links for more information on vaccinations:

Immunization Action Coalition of Washington Vaccination Tool Kit http://immunizewa.org/toolkit

Centers for Disease Control and Prevention Vaccines & Immunizations www.cdc.gov/vaccines

Rev. 2/13/17



Control Unemployment Costs

Handbook for Excellent Restaurant Operations

Unemployment: Win Your Claims Before They're Even Filed!

In today's economic environment, it's important that you take advantage of potential savings for any possible aspect of your business. Unemployment is one of the only business taxes that can be controlled and minimized, because state unemployment laws dictate that individuals leaving their job, voluntarily without good cause, as well as those who are discharged due to misconduct, should not collect unemployment benefits.

It's All in the Details

While unemployment costs can be controlled, it's extremely important that you are in a position to provide all the necessary details and documentation up-front, in case an unemployment claim is filed. The former employee's recollection of what happened and what actually happened can be very different. It's up to you to have every important detail of their employment and their termination well-documented, allowing the state to make a proper judgment.

When Documenting the Facts of a Discharge:

- Include a description of the final incident prior to the employee's discharge.
- Describe all rule violations and any warnings the employee received.
- Outline prior disciplinary actions taken against the employee.
- Provide company policy or rule regarding the reason for discharge.
- Include signed documents indicating the employee understood the policy they violated.
- List witnesses of any incidents you document.

When Documenting the Facts of a Voluntary Quit:

- Describe what was said in the exit interview.
- Indicate the method of resignation—written or verbal— and be descriptive.
- Include the reason given for resignation.
- Detail any changes in the employee's job that may have occurred.
- Document any dissatisfaction the employee has expressed.
- Include any employee requests for transfer or leave of absence.
- Describe steps taken to address the employee's dissatisfaction.

All of the above details should be documented for each departing employee, so when a claim is filed, the state can render an informed decision. If the decision is unfavorable, and benefits are ultimately paid, it's important to remember you have the right to an appeal, which will grant you the opportunity to present the details and documentation at an unemployment hearing.

The Importance of Company Policy

A key organizational component for improving success with unemployment claims is to have a consistent and well thought-out company policy or employee handbook. Most discharges occur when an employee fails to meet an expectation or when they violate an employer's rule. Without company policy or an employee handbook, rules are subject to interpretation and inconsistent enforcement by individual managers and supervisors. And if the employee claims he or she was unaware of the rule or policy violated, it's a "word against word" situation.

To effectively use a rule or policy in responding to an unemployment claim, the policy or rule must be in writing, and you must show that it is reasonable, consistently enforced and that the employee was—without question—made aware that violation of the policy or rule could lead to their termination.







Make sure all rules that are important to your business—such as appropriate behavior, acceptable attendance, etc.—are addressed in detail in your handbook or company policy. Always ensure all employees have an opportunity to review your policies and sign a document stating they have read and understand them. This signed acknowledgement can then be submitted to the unemployment office as proof the employee was aware of a specific policy and what could happen if they violate it.

With effective policies or rules and detailed documentation of each employee's performance, you can experience improved success with your unemployment claims and maximize savings for your business.

Rev. 12/13/14



Gluten-Free

Handbook for Excellent Restaurant Operations

Delicious, Easy and In-Demand What More Reason Do You Need to Offer Gluten-Free Options?

As more Americans are prescribed a gluten-free diet for their medical conditions, the demand for gluten-free menus and products is growing.

By Whitney Ehret

Food is central to your customers' lives; it defines them and where they come from.

But for the millions of American diners who require a gluten-free diet, food has long been a source of isolation, loneliness and fear. As a restaurant operator, you have the opportunity to help your customers avoid these frustrations.

The gluten-free diet has quickly become one of the fastest growing nutritional movements in America, and you could be ignoring a large segment of the dining public if you neglect to offer menu items tailored to the gluten-free crowd.

Celiac Disease. What's that?

If you've never heard of celiac disease, you're not alone. Of the three million Americans living with the genetic autoimmune disorder, only 120,000 have been formally diagnosed.

Celiac disease affects the body's ability to absorb nutrients in the small intestine, and is triggered by an autoimmune response to gluten. When someone with celiac ingests gluten, the body attacks itself, putting them at risk of developing complications such as other autoimmune disorders, neurological conditions and even cancer.

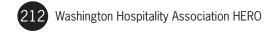
Despite being the most common autoimmune disorder in the United States, celiac disease has gone largely undiagnosed because the symptoms often mimic other conditions, such as Chron's disease, chronic fatigue syndrome, fibromyalgia and irritable bowel syndrome.

Snoqualmie native Nancy Baker suffered for more than 10 years with unexplained digestive symptoms, despite visiting countless physicians. "I hated hearing, 'We have never seen this before' or 'This is very rare,'" said Baker.

Baker's condition became critical during her pregnancy. "I lost 15 pounds in the first trimester and was hospitalized three times. Doctors told me to go home and eat saltine crackers, ramen noodles and dry toast! In hindsight, I was poisoning myself."

Both Baker and her son Grant (now 10) have been formally diagnosed with celiac disease. Both are happy and healthy, thanks to a gluten-free diet. Now Baker is the Director of Education for the National Foundation for Celiac Awareness (NFCA).

The Gluten-Free Industry







The population with celiac disease is only a small portion of Americans living with medical conditions that respond positively to a gluten-free diet. 10 million people have been diagnosed with gluten sensitivity.

Due to the growing number of Americans looking for gluten-free options, (nearly 15 to 25 percent of all consumers, estimates U.S. News and World Report) those entering the gluten-free market have enjoyed tremendous success and profits.

According to a 2008 Packaged Facts Report, the gluten-free market continues to experience double-digit growth (more than 20 percent), in spite of the current economic recession. The industry is expected to reach \$2.6 billion by 2012.

Leading industry organizations, such as the National Restaurant Association, have also highlighted the enormous potential in this market and even named 'gluten-free' a top food trend for 2009.

While many continue to label 'gluten-free' as a market trend, the diet often gets misrepresented as a fad. Despite the current popularity surrounding "gluten-free," the core population of this consumer market is comprised of those who require the gluten-free diet out of medical necessity and must adhere to the diet for life.

Gluten-free consumers also dictate the food and dining practices of their friends and families. In the instance of the Baker family, those restaurants that can safely serve two gluten-free meals also enjoy the patronage of three additional non-gluten-free diners.

What Does it Mean to be Gluten-Free?

Gluten is a protein particle found in all forms of wheat, barley and rye. Those on a gluten-free diet simply have to avoid eating any foods containing gluten. Easier said than done.

Not only must those on a gluten-free diet avoid all bread, bagels, cookies, pizza, beer, crackers and cake made with wheat flour, but many other staple products, as well. Gluten is also found in wheat additives, the most common additive ingredient used in American food products, causing most soups, sauces, seasoning mixes, marinades and salad dressings to be off limits.

Catering to the Gluten-Free Consumer.

While the gluten-free diet may seem restrictive and difficult, becoming a destination for gluten-free diners is not. Restaurants across the country are appealing to gluten-free consumers, and doing so safely, successfully and EASILY.

Popular national chains such as PF Chang's and Uno Chicago Grill now offer gluten-free menus. At Maggiano's Little Italy, customers can select from a menu listing of available wheat-free pastas and gluten-free sauces.

For those looking to appeal to gluten-free diners, developing separate offerings or an entirely new menu isn't required. There are many delicious alternatives that can be used to make popular menu items gluten-free. Wheat-free flours such as rice flour, potato flour, cornstarch or tapioca flour can replace gluten as thickeners or in sauces and rues. Use potatoes, polenta or exotic and nutritious grains like quinoa as side dish options for glutenfree dishes.



Gluten-Free

Handbook for Excellent Restaurant Operations

"By changing a few simple ingredients, I am now able to make the majority of my recipes gluten-free without compromising the excellent quality of our food," said Kay Conley, a Le Cordon Bleu trained chef who owns and operates Savory Moment (www.SavoryMoment.com), a chef-prepared packaged meal service out of Redmond, Wash.

Kay launched a gluten-free menu earlier this year at the request of several clients and even family members!

"I have made it my goal to raise the bar on gluten-free foods to the point where my customers (and family) cannot tell the difference, making the transition to a gluten-free diet easy and delicious," said Conley.

Cross Contamination Caution

The challenge for any restaurant operating in a shared kitchen is avoiding cross contamination. Gluten is a particle that cannot be removed by heat or conventional soap and water cleaning. Particles lingering in the air or on someone's hands can make their way onto a gluten-free plate and potentially harm the customer.

"If you can prevent food poisoning and nut allergen contamination, you can prevent gluten cross contamination — even in a dual kitchen," says Nancy Baker, who created NFCA's Gluten-Free Resource Education Awareness Training (GREAT) program. GREAT educates restaurant staff on the gluten-free diet and ways to prevent cross contamination.

The GREAT program looks at potential hazards such as sharing condiments, utensils, grill, oven, toaster space and even boiling water. It provides simple strategies and organizational tactics that can prevent cross contamination. GREAT Training is available online through the NFCA website.

Kay Conley enrolled her own kitchen in the program prior to launching her gluten-free menu.

"GREAT provided me with an easy and very affordable way to quickly train my staff and feel confident knowing we can provide safe gluten-free foods to our new customers," said Conley.

Improving Bottom Lines and Lives!

For many who have ventured into the gluten-free marketplace, the outpouring of support and gratitude from their customers has been overwhelming.

Susanne Park, owner of Sweet Cakes Bakery in Kirkland, says the joy her gluten-free desserts bring to others is deeply satisfying.

"Seeing a 5-year-old's face light up and smile when he was able to pick from many choices in our dessert case... brought tears to my eyes," Park said. "He had never been able to do that before."

Whitney Ehret is director of communications for The National Foundation for Celiac Awareness.

Rev. 12/13/14







Headline: Your Landlord is Expecting to Hear from You — Renegotiate Your Lease By Rick Braa, CHAE

Industry same-store sales are down for full service restaurants. Technomic reports 51 percent of consumers are cutting back, and 14 percent are eliminating restaurant visits. In an industry where 60 to 80 percent of restaurant sales are contributed by frequent guests, it's no wonder many restaurants are experiencing severe sales decreases. So what is one to do? Beyond what you may be working on, renegotiate your lease.

Rent is one of your highest fixed expenses. For years it was assumed rent was non-negotiable once a lease was signed. Like everything else, times have changed. According to Moody's Investors Service, commercial real estate values have dropped 22.8 percent through March versus the October 2007 peak. May 2009 values versus May 2008 values have dropped 21 percent, and further declines are expected. Bloomberg.com reports Starbucks began in January seeking 20 to 25 percent rent reductions from its landlords. In that same report, Quiznos reported as many as 90 stores received a reduction of 15 to 20 percent in rent. By combining declining market rents and declining sales, your landlord is expecting to hear from you regarding your rent structure.

Before considering renegotiating your lease, execute on the basics. Know your guest inside and out. Spend time touching every table, and ensure loyalty and repeat business. Be realistic about your business. If you're not executing well, fix it. The last thing you want is your landlord surprising you with their unfavorable observations of your restaurant service, appearance or product offering. Ensure every expense has been reduced to the point just above affecting your guest. Prove you're doing everything you can to drive sales with tactics such as flawless service and execution, bounce back coupons, pre fixe meals, value packaging, half price wine nights, loyalty programs and any other promotion you can possibly run. Put together a terrific marketing plan for driving traffic now and moving forward. Once your restaurant is solidly executing take the next step to renegotiation.

Renegotiating your lease is rarely easy but will be easier by following these steps:

- 1. Know your market: Prepare diligently. Study market rents of the area surrounding your restaurant. Your commercial broker can provide you with market rents. Know your economic alternatives. Does the space right down the street cost less per square foot to lease than what you're paying? Are restaurants moving in or moving out of your area? Study your market demographics and the changes occurring around you.
- 2. Know your landlord: Create a win-win situation. View your landlord as your partner. While your landlord may understand times are tough, they have a business to run as well. Know your landlord's needs, strengths and weaknesses; and look for something to offer them. Approach your problem from your landlord's point of view. The last thing landlords want is an empty space that may take months or years to fill, restaurants don't open overnight and they're expensive to convert to another concept. Avoid asking for a reduction in expenses your landlord must pay such as common area maintenance, taxes and insurance; and don't ask for a release from a personal guarantee — it's your landlord's security blanket.
- 3. Know your lease: Be prepared to discuss the term remaining and option terms. The lease term will be discussed by your landlord. After all, you signed a contract to fulfill the terms of the lease. Let them know your intention to fulfill the terms of the lease. If you think you must close within a certain number of months, provide that information to your landlord so they can help you transition the business to someone else.
- 4. Know your needs: Be realistic about what you can afford. Typical rents range in the 5 to 6 percent



Renegotiate Your Lease

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range for percentage rent. Calculate a number slightly less than what you can afford to provide a cushion for negation. Make that number your new base rent. One option is to offer percentage rent above that amount. For example, if your base rent is \$10,000 per month and you can afford \$7,500 per month, start with slightly less — an amount such as \$7,000 per month as your base rent, and offer percentage rent above that until you reach \$10,000 per month where the previous rent structure can resume. Remember market rents are down 20 to 30 percent, so your landlord should expect a number in that range.

- 5. Make the ask: Write a professional letter. Seek professional advice, but have the letter come from you and not your attorney. You and your landlord are working together; you don't want attorneys fighting it out. Be concise, convincing and professional. Provide an explanation that what you're asking for must be done. Explain what actions you're taking and how you're promoting your restaurant, managing well, reducing expenses and maximizing margins. Be prepared that whatever you ask for will be the base from which to negotiate, so make sure you're accurate. You don't want to retract and ask for a lower number. Send your letter certified with a return receipt requested. Lastly, make sure you have a plan for paying your landlord back if you're asked.
- 6. Negotiate the result: Be willing to negotiate to come to a solution. Don't threaten to close or move unless you're serious. Be open to compromise. You will receive less than you've asked for you're negotiating. Remember, every dollar you're saving in rent is a dollar more you have to use. If your landlord wants access to your financials, grant it; but don't send financials with your letter.

With the right approach to renegotiating your lease, you can reduce one of your largest fixed expenses, and gain some much needed breathing room to thrive with your restaurant.

Rick Braa is the founder/principal of BRAA Associates, LLC. He specializes in consulting on strategy, process improvement, controls, financing, accounting, and information systems.



If you do not know what each item on your menu costs, you may be leaving 5 percent on the table! Easily 90 percent of all restaurants do not have accurate, up-to-date costs for all the items they sell, let alone know what the individual gross profit contribution (margin) is from each menu item. Without that information, you cannot create a more profitable menu. You need a menu analysis. To perform a menu analysis, you need the following:

- A computer with some type of menu analysis or spreadsheet software. This can be done manually, but if you can computerize, it makes it easier to stay current as prices change in the future.
- A copy of your menu
- A current product mix (or sales abstract reports) for a minimum of 23 periods (months)
- An accurate recipe and food costing for all menu items

Your first step in menu analysis is to review your written recipes. When was the last time your recipes were costed? Most likely they were done when the last menu was written (which on average is every 68 months). The people usually responsible for recipe costing — the chefs — are typically busy handling day-to-day operations. They often have little time to spend on the little details that will make or break your operation. **And the little** things will kill you.

Your business is about dimes, nickels and pennies. Ask yourself, what a penny is worth? It is only 1/100 of a dollar, yet in a restaurant with annual sales of \$1.5 million, being off by one penny is worth \$15,000 . . . that isn't "chump change!"

The next step is to analyze your menu, asking two critical questions: Does the menu accurately reflect your concept, goals and position in the marketplace? Is your menu providing you with the maximum gross profit contribution?

Then you must examine every item on the menu for popularity and contribution to gross profit. Each item will fall into one of four distinct categories:

- Menu items that have a high gross profit contribution and high product mix. These items have maximum menu power, and depending upon your menu, these items should command the best real estate on the menu. The more we can influence mix toward these items, the more profitable the operation will be.
- Menu items that sell well (high in product mix) but have less-than-average gross profit **contribution.** These items are often loss leaders but you've got to have them. Typically, these items are very price sensitive.
- Menu items that have greater-than-average gross profit, but lower-than-average popularity. Sometimes, these items act as "image makers" and provide a largely psychological benefit to the guest. Typically, these are the more expensive items on the menu. Too many of these items can have a negative effect on the menu and they should be candidates for elimination, repackaging, repricing or replacement.
- Menu items that have lower-than-average popularity and make a lower-than-average contribution to gross profit. These items are also candidates for elimination, repackaging, repricing or replacing. If you choose to keep an item in this category, you should know the reason. Often, these items are important to a particular market segment (like children's meals) and should stay on the menu to help you remain competitive.

Only when you have all this information can you accurately determine which items should remain on your menu. Only when you have all this information can you make an informed decision about how and where each item should be placed on the menu to have the maximum impact on your profitability.



Make the Most of Menu Planning

Handbook for Excellent Restaurant Operations

Conducting a menu analysis is not an easy task, but it is a necessary one that should be performed monthly. However, all the analysis in the world is of no use unless you act upon the information and apply it to your menu. Every month you fail to react and change your menu will cost thousands of dollars in lost profit!

Banger Smith is a restaurant management veteran. Before opening Menus for Profit, Inc. in 1996, he served as vice president of The Menu Workshop in Seattle.

Menu changes may require a review and pre-approval by the local health jurisdiction.

Rev. 12/13/14



Spirits, beer and wine restaurants; beer and/or wine restaurants; and sports/entertainment facilities can apply for a caterer's endorsement. This endorsement allows you to remove the types of alcohol that you have approval to sell on your premises for service at:

- Events held by a non-profit society or organization; or
- Private events, such as receptions, held by invitation only.

The event cannot be held in an establishment that has a liquor license.

A copy of your Master Business License showing your liquor license class together with the catering privilege should be on display at each event you cater.

You are responsible to ensure that liquor is not sold or served to persons who are under 21 years of age or who appear intoxicated.

Catering

Beer and/or wine restaurant licensees may apply for an added caterers' endorsement. This endorsement allows you to take beer and wine off of your licensed premises to cater events at approved locations. See the Caterer's Endorsement page for more information on a caterers' endorsement.

SNACK BAR LICENSE

A snack bar license allows a licensee to serve beer by the opened bottle or can for on-premises consumption only. Snack bar licensees must have food available whenever beer is sold or served. (WAC 314-02-065)

RCW 66.24.320, 66.24.320 and 66.24.570

Rev. 12/13/14



Caterer's License

Handbook for Excellent Restaurant Operations

In 2014, the Washington State Legislature created a caterer's license. The following rules became effective on Jan. 3, 2015:

What is a caterer's license?

- (1) A caterer's license allows the licensee to sell spirits, beer and wine by the individual serving for consumption on the premises at a catered event location.
- (2) The catered event location must be owned, leased or operated by:
- (a) The holder of the caterer's license; or
- (b) The sponsor of the event for which the catering services are being provided.
- (3) The caterer licensee is responsible for all areas of a location where alcohol is sold, served, consumed or stored.
- (4) If the catered event is open and advertised to the public, the event must be sponsored by a nonprofit society or organization as defined in RCW 66.24.375.
- (a) A registered nonprofit holding a public or civic event may invite a caterer to provide alcohol service at a location within the parameters of the event.
- (b) If attendance at the catered event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the catered event location must be owned, leased or operated by the holder of the caterer's license or the sponsor of the event for which the catering services are being provided does not apply.
- (5) A spirits, beer, and wine caterer licensee must have the ability to serve at least eight complete meals. A commissary kitchen, licensed by the city and/or county health department, shall be maintained in a substantial manner as a place for preparing and cooking complete meals. The caterer licensee must maintain the kitchen equipment necessary to prepare the complete meals required under this section.

The complete meals must be prepared at the licensed commissary kitchen premises.

- (a) "Complete meal" means an entrée and at least one side dish.
- (b) "Entrée" means the main course of a meal. Some examples of entrées are fish, steak, chicken, pork, pasta, pizza, hamburgers, seafood salad, Cobb salad, chef's salad, sandwiches and breakfast items (as long as they include a side dish). Entrées do not include snack items or menu items, which consist solely of precooked frozen food that is reheated, or consist solely of carry-out items obtained from another business.
- (c) Examples of side dishes are soups, vegetables, salads, potatoes, french fries, rice, fruit, and bread.
- (6) A beer and wine caterer licensee must have the ability to provide minimum food service. A commissary kitchen shall be maintained in a substantial manner as a place for preparing and cooking minimum food service. The caterer licensee must maintain the kitchen equipment necessary to prepare minimum food service required under this section.

The minimum food service must be prepared at the licensed commissary kitchen premises. For purposes of this title:

"Minimum food service" means items such as sandwiches, salad, soup, hamburgers, pizza, and fry orders.







- (7) The applicant must provide the liquor control board with a copy of their commissary kitchen license issued by the city or county health department.
- (8) The licensee is required to send a list of scheduled catered events to their regional enforcement office on the first of each month. The licensee must provide the following information:
- (a) Date of the catered events:
- (b) Time of the catered events; and
- (c) Place and location of catered events.

Any changes to the information provided to the board must be reported to the regional enforcement office seventy-two hours prior to the catered event.

- (9) A caterer's license holder is not allowed to cater events at a liquor licensed premises.
- (10) The holder of the caterer's license may store liquor on other premises operated by the licensee if the licensee owns or has a leasehold interest at the other premises. Documentation must be provided to the board showing the licensee owns or has a leasehold interest in the property.
- (11) All employees that sell or serve alcohol must hold MAST permits.
- (12) The annual fee for the caterer's license is as follows:
- (a) The annual fee for beer is \$200;
- (b) The annual fee for wine is \$200; and
- (c) The annual fee for a combined spirits, beer, and wine is \$1,000.

Source: WAC 314-02-112

For information on applying for a license, see http://www.liq.wa.gov/search/node/licenses.

Rev. 12/16/14



Become a Better Manager

Handbook for Excellent Restaurant Operations

Your Toughest Job: Managing and Supervising People

You can go to chef's school, be an apprentice and learn culinary skills; but many restaurateurs never take a single management class. With so many disparate personalities under your supervision, managing people can be a daunting job. Here are some guiding principles to help you become a better manager and develop your leadership skills:

Work on your communication skills. The natural leader of any group is the best communicator. Let people know the goals of the business, what you expect and be liberal with constructive feedback. If you are the silent type, work at engaging your staff in conversation and inviting ideas and comments. If you tend to shoot first and ask questions later, practice restraint and think before you speak. In spite of the metaphors relating business to war, in business it is hardly ever necessary to react, but it is sometimes appropriate to respond.

Keep your promises. This sounds easy, but it can be difficult. You may have promised an employee that you'll give them an answer about something that day; but the next thing you know, it's 6 p.m. and dinner service is in full swing. It's easy to let that happen, but it doesn't help your credibility. Often, in an attempt to show employees that they are accessible, managers make unrealistic promises. It's better to tell an employee who wants your time, "It's crazy now, but I can meet with you around 11 tomorrow."

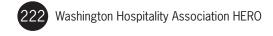
Not everyone will do it the way you do. From janitorial to kitchen prep work, you can be sure your employees will approach projects differently than you would. You may want it done your way, but you have to stand back and see how your employee does on his own. Pick your battles carefully, as they say. If you believe your way is the best way, and it's an important task — such as in matters related to food preparation — hold your ground. But for the hundreds of other activities that take place in every restaurant, there is rarely only one "right" way to do something. Preserve morale by showing some flexibility. Besides, you might even find that your employee's way is better than your way.

Criticize in private. Praise in public. In the fray of a busy shift, it's easy to blurt out criticism on the fly. If the time comes when you must talk to an employee about behavior that has to change, make sure that you make the encounter as discreet as possible. When it comes to praise, bear in mind that everyone wants to feel appreciated. Don't save your praise for special occasions. When you make a positive comment to an employee about a small event, that employee will know that his efforts are appreciated.

Think before you speak. As a corollary to the above advice, it's easy to lose your cool in the pressure of a busy night. "What the [bleep] are you doing, you [bleeping] idiot?" is not a useful managerial comment. No one screws up on purpose. Rather than escalating a difficult situation with harsh words, take a deep breath, count to 10 or do whatever you have to do to stay calm. No good manager flies off the handle.

Be the old dog willing to learn a new trick. Your staff brings to your restaurant years and years of experience at other places. You've probably seen some neat technique or way of doing something that impressed everyone. "How'd you know to do that?" you ask, and your employee will no doubt say, "Well, I learned it from a dishwasher in a restaurant I worked in about 20 years ago." When you tap into the expertise of your staff, you'll learn new things, too.

Stay visible. Your employees want to know that you're on-site and in charge. If you're not in the kitchen, it's easy to get involved in your work and stay in your office during nonserving times. Make it a point to walk through your







restaurant frequently. Take the time to chat with employees about what they are doing. Vary your approach so your actions look natural, and take the time to listen when your employees have something to say.

Originally published in 2009 Restaurant Startup & Growth magazine.



Tapping Into Water Drinkers

Handbook for Excellent Restaurant Operations

Every time a restaurant offers a glass of tap water to a guest, it's like pouring money down the drain. Today, a total of 11.2 percent of full-service restaurant (FSR) customers choose tap water over revenue-generating drinks.

Coca-Cola Foodservice estimates that if one in 10 tap water drinkers were to opt for a beverage alternative, it would increase yearly sales in the FSR channel by more than \$300 million.

The potential is enticing, of course, but before encouraging service staff to suggest revenue-generating drinks, it's important to understand why one in nine customers orders tap water. The top four reasons include: diet/health concerns; entrenched habit; price and taste.

The research shows that tap water drinkers would switch to revenue-generating drinks if their choices met their needs for diet and wellness, flavor or value. "What we found is that people are drinking tap water by default, due to a lack of availability or knowledge of other preferred beverage choices," points out Fran Schefer, director of portfolio planning for the Coca-Cola Company, USA. "There's good news here. We have plenty of ways to help our customers get more tap water drinkers to order revenue generating drinks."

One way, Schefer says, is to offer a wider selection of beverage options that include low-calorie, caffeine-free or light and refreshing, non-carbonated drinks. Another idea is to have servers reinforce the value to the customer, but not enough FSRs make it a point to tell their customers about free refills," Schefer notes. As a matter of fact, to help prompt servers to spread the word and entice customers to act, Coca-Cola FoodService provides restaurants with server buttons, stickers and even table coaster touting free refills.

The company also provides training geared to specific workers and restaurants. "We can work with FSRs to build a suggestive selling program that might have Coke paraphernalia as rewards, or whatever the company would like to build in for incentive and motivation," Schefer says.

Another Coca-Cola FoodService program that helps FSRs generate multiple beverage sales throughout the course of a customer's meal is Get Your Fill. It offers ideas such as suggesting a light beverage before the entrée, a second one while the entrée is being consumed and yet another with dessert.

"There is potentially a beverage that could fit into any of those three separate times during a meal, and all of them represent incremental revenue opportunities," Schefer says.

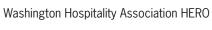
Rescue Your Beverage Revenues

By better understanding the motivations that drive restaurant customers to order tap water, you can use specific tactics to upsell those guests to revenue-generating beverages. While tap water only consumption is fairly ingrained behavior, almost 10 percent of tap users have a positive intention to order a beverage on their next visit. Tap water-only usage tends to skew toward specific demographics (females) and occasions (lunch). And, there are specific motivators that drive guests to only order tap water versus a beverage that creates revenue. Key reasons consumers choose tap water in full service restaurants include:

• Habit: 32%

Dieting/health considerations: 29%

Cost factor: 20%Taste preference 6%







You can drive more tap water drinkers to purchase profitable beverage through a combination of approaches:

- Improve wait staff suggestive selling
- Use "value reinforcers." For example: provide automatic refills, inducing guests to order from the beverage menu
- Improve outlet marketing and merchandising to raise awareness of beverage choices and drive greater purchase intent
- Expand relevant beverage options to address some of the key reasons diners select tap water. It's important to provide choices that are perceived as "good for you" and meet a "dieting" need.

Originally published in the April 2009 issue of The Front Burner.

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Increasing Bar Revenues

Handbook for Excellent Restaurant Operations

Increasing Bar Revenues One Step at a Time

By Robert Plotkin

It's hard to imagine there's a restaurant or bar owner who would suggest his or her business wouldn't greatly benefit from increasing revenues. The adage, "food covers overhead, but the bar is all profit," actually has its basis in fact.

It would seem since no restaurant operates under the burden of too much profit, finding ways to increase bar revenues is a nearly universal imperative.

While you may perceive the need, exactly how to go about increasing beverage sales might not be so clear. There are essentially only three ways to go about it. First, you can look to increase your customer count. The more people you serve will likely augment your beverage sales. It is, however, an "iffy" proposition, one that entails hiking your advertising and promotion budget.

The second way to augment beverage sales is to increase how many drinks your clientele purchase. Again, this is not a practical strategy. Accelerating service and encouraging the over-consumption of alcohol is a practice fraught with liability.

The only viable, long-term approach is increasing customer ticket average. Enticing your clientele to spend more dollars per drink is the surest avenue to success. Any strategy to increase ticket average must include developing a plan for boosting premium liquor sales.

Bolstering call brand sales makes good sense. Premium liquors carry a bigger price tag, so your gross sales will increase. Also, your staff will likely appreciate pouring the good stuff, since the higher the tab, the larger the tip.

ESTABLISHING A PLAN

The necessary first step is to educate your employees. Product knowledge is essential to selling premium spirits. Ensure your bartenders and servers are well informed about the top-shelf products, what makes them exceptional and why they're worth their higher price. Customers often inquire what makes one brand better than another. A concise, informative answer is usually all that's needed to close the sale.

Is your staff familiar with suggestive sales techniques? They should be trained to consider every sale an opportunity to up-sell. For instance, if a customer orders a rum and Coke, the server could respond, "Would you like Bacardi or Captain Morgan's in that?" For gin and tonics they could inquire, "Would you prefer Beefeater or Tanqueray?" The key is to suggest two specific call brand choices.

The impact of suggestive sales can be dramatic. The same is true for offering servers sales incentives. Set weekly goals, and see who can sell the most signature margaritas, or specialty martinis. Tell your staff what you expect. Then reward their success.

Make sure you provide support for your staff's marketing efforts. The only marketing some operators do is to slash prices during happy hour. Strive instead to promote your business from the inside out. Promote your specialty drink of the day, shooter of the day, and any food specials on large wipe-off boards or chalk boards.







MARKETING THROUGH CREATIVE MIXOLOGY

The era of specialization has struck the bar end of the food and beverage business. After all, who said you have to do what everyone else does? To start the process, here are seven quick ways to jump-start sales.

SHOOTERS: Ask your bartenders to pick a "shooter of the day," and promote it on table tents and a wipe off board at the bar. Create a menu listing of all your house specialty shooters. While acrylic test tubes, or Tooters, are the most popular method of presenting specialty shooters, there is still room for creativity. One club features shooters for two in sugar dispensers. Others present shooters in pill bottles.

SWIRL DRINKS: Double the popularity of your frozen drinks by swirling complementary recipes together in the same glass. One such recipe is called the Pain in the Butt, a swirled blend of a Piña Colada and a Rum Runner. Try swirling a Midori Sour and a raspberry Daiguiri or a frozen lemonade and a Frosted Coke. Great taste and captivating looks make for increased sales.

SUPER-PREMIUMS: Don't your guests who appreciate fine tequila deserve a 100 percent blue agave tequila like El Tesoro de Don Felipe? For your bourbon drinkers, whiskey doesn't get any better than a single-cask like Booker Noe or Kentucky Spirit. There is now at least one super-premium brand name in every major category of spirits.

FLOAT PROGRAMS: A Piña Colada may be a good drink, but a float on top of Kahlua, Chambord or Midori nudges it into the great range. The same is true about a Margarita with a shot of Grand Marnier served on the side, or a Daiquiri with an optional float of Myers's or Bacardi Select rum. The program is classic suggestive sales — your guests receive better tasting drinks and you bank higher sales.

CHAMPAGNE: A split of Champagne and two glasses is perfect for a couple out on the town celebrating a special occasion. Champagne also has applications behind the bar. A splash of bubbly in an Amaretto Sour, Tom Collins or Screwdriver adds pizzazz.

INFUSION COCKTAILS: Steeping spirits in large containers at the bar is a great way to create a unique product your guests can only get at your establishment. The key to marketing infused spirits is to feature them in such a manner that they're easy to drink and their unique flavors can be fully appreciated.

NON-ALCOHOLIC BEVERAGES: Since you're marketing to a growing population already predisposed to buying these high-profit items, offer your guests a wider selection of non-alcoholic beverages. Start with lemonade and iced tea. They're thirst-quenching and make excellent mixers. Consider also offering more than one sparkling water. There are vast differences between these products, mostly in the amount of natural carbonation they contain. Likewise, carry at least one still water, such as Evian or Ty Nant.

Robert Plotkin is the founder, publisher and an author of BarMedia, which specializes in the development and marketing of materials, as well as books on drink and spirit trends.

Rev. 12/13/14



Bolstering Lunch Sales

Handbook for Excellent Restaurant Operations

Fast, Healthy, Affordable: Driving a Lunch Crowd in Tough Times By Heather Donahoe

In her 20 years as a waitress at Casa Mia Italian restaurant in Olympia, Wash., Kathy Hurt knows what customers want for lunch, and she knows how to make sure they get it.

The eatery's daily lunch special of soup, salad and a roll for \$5.95 is ready within minutes and saves diners about \$4 of what they'd pay separately for all three items, making the offering light, fast and budget-friendly.

"People don't want to dilly dally around," Hurt said. "Not everybody has a full hour for lunch, so with this, they're able to sit down for a least a little while, eat and visit with their friends. Soup, salad, roll — bam, they're out and back to work."

Lunching smartly

With wallets slimming down, lunch breaks shrinking and dinner diners dwindling, Hurt and Casa Mia's operators understand the necessity of satisfying mid-day patrons. In a stalled economy, evaluating how you're handling your lunch crowd and what you can do to keep diners satisfied is a must.

According to a study by the National Restaurant Association, three out of four full-time employees eat a lunch prepared away from home at least once a week, which represents an exciting opportunity for restaurant operators.

But amid the recent financial crunch, keeping people interested in treating themselves to lunch has become a special challenge. Time and money are at a premium for most everyone right now, and people are insisting on making good use of both. Respecting both of those commodities

Conquering the brown bag, respecting health

Four out of 10 customers are dining out less often than they did six months ago, and when they do dine out, they're doing so at less pricey places than they previously visited, according to research conducted by Booz & Co., a management consulting firm. The same study found that 35 percent of 1,000 adults surveyed are bringing their lunch to work from home.

With disposable income diminishing, brown bag lunching has picked up over the past year, confirms a recent NDP Group study, in which participants cited money-savings as their reason for eschewing the dining experience in favor of a homemade lunch

The existing culture of health consciousness has been an additional motivator for people to eat from home, making nutritious and economically sensible menu options all the more important. Your lunch menu should have customers questioning the actual convenience of hassling with a brown bag.







Establishing a loyal lunch base

- Distribute fliers in neighborhood office buildings advertising your quick and tasty lunch service. Consider faxing a daily or weekly menu to office managers.
- Break out of the box and offer a unique lunch experience.
- Offer special discounts to frequent diners.
- Teach your wait staff how to read their lunch customers and to be ready to recommend items that can be prepared quickly.
- No matter how quickly customers are served, make sure the service is top-notch.
- Have the check ready for guests promptly.
- Develop regular clientele by keeping track of guests' histories, including menu preferences and birthdays.
- Consider offering high-tech service options, such as fax or online ordering.
- If you do not currently serve lunch, consider doing so one day a week-possibly Fridays.
- Lengthen the time that you serve lunch to attract people who take early or late lunch breaks.

—National Restaurant Association

Originally published in the December 2008 issue of The Front Burner.



ADINESS A Step-By-Step Guide to Crisis Communications







INTRODUCTION

Recipes and crisis communications plans have more in common than you may think: Both are exceptionally private, yet their results are exceptionally public.

In restaurants of every type and size, the food is central to a restaurant's promise to its guests. Depending on the type of restaurant, the quality of menu items is analyzed by everyone from guests and critics to Wall Street analysts and local newspaper reporters. Few (if anyone) outside the restaurant see the recipe. Yet people usually have a lot to say about whether the recipe and its preparation were up to par.

The same can be said of a restaurant's communications plan during a crisis situation. Few outside of your company will know the specifics of your crisis plan, yet everyone will be judging how successfully you manage your reputation and remedy problems associated with the crisis. Depending on how well you handled the crisis, people will develop strong opinions of whether your restaurant is responsible and trustworthy. At the end of the day, public opinion can and will dramatically affect a customers' decision about whether to visit your restaurant in the future.

Despite the stakes involved, crisis communications planning usually does not receive the attention it deserves—until a crisis occurs. According to a 2002 survey conducted by the Public Affairs Council, 25 percent of Fortune 1000 CEOs had not taken the important step of designating company personnel who would serve on an internal crisis management team to handle the inevitable crises that impact all companies

Why don't more companies devote time and resources to crisis communications planning? A host of possible factors are involved, including:

- ✓ False comfort in the fact that a crisis has not yet struck.
- ✓ The belief that a crisis can be dealt with when it occurs, so there is no need to prepare.
- ✓ Comfort in operating within certain areas of expertise—such as customer service in a restaurant—but discomfort in addressing unknown areas such as crisis communications planning.
- ✓ Lack of knowledge about practical steps businesses can take to prepare for crisis situations.
- ✓ A lack of time to accomplish goals other than running the business, especially in the fast-paced restaurant industry.

The purpose of the National Restaurant Association's *Recipe for Readiness: A Step-by-Step Guide to Crisis Communications* is to assist restaurant professionals who are wary about managing projects outside of their expertise, who lack knowledge about where to start with crisis communications planning, and who suffer from the dreaded time crunch.

This guide was created to be practical and easy-to-use. The first section provides a step-by-step approach to creating your company's crisis communications plan. At the end of each chapter in this first section, you'll find important tips for each restaurant type—single-unit independent restaurant, regional multi-unit restaurant,

RECIPE FOR READINESS A Step-by-Step Guide to Crisis Communications



national multi-unit restaurant, and franchisee—to consider when developing your crisis plan. Also at the end of each section, you'll find action items and worksheets to help you tailor your crisis communications strategy to your restaurant's unique needs.

Section two offers you a comprehensive look at media relations during a crisis, with important insights on understanding the news media, establishing a media response system, and preparing for interviews. The third section of the guide provides you with "tools of the trade"—actual templates you can use to craft your own press releases, talking points, and other crisis-related resources. Finally, the last section of this guidebook explores cases studies in crisis communications and practice exercises for you to test your crisis management skills.

Remember, you're not alone when a crisis hits. During crisis scenarios, we encourage you to think of NRA as an important extension to your in-house crisis management and media relations efforts. NRA has a wealth of valuable background information, talking points, and up-to-the-minute resources to assist in your crisis communications strategies. In addition, our spokespersons and industry experts are trained and available to conduct interviews with major news organizations on behalf of the industry on a variety of issues.

Even if you have done very little crisis planning, we believe this guide will provide you with a workable crisis communications plan that will leave you better positioned to manage your business' reputation in the face of a crisis.

Congratulations on taking the first step toward planning for the inevitable crisis that will strike your business. Now it's time to get to work!



IN A CRISIS NOW?

Preparing for a crisis before one hits is always smart strategy. But most crisis situations can leave even the best prepared restaurant owners feeling off guard and uncertain about next steps. If you find yourself in a crisis situation before having the opportunity to review NRA's crisis communications guidebook completely, follow these steps to get started in the right direction:

" Form a crisis management team.

Creating a crisis communications team is an essential first step to assess the magnitude of the situation and to identify what actions you should take. The Crisis Management Team (CMT) should be led by someone who has the authority to make decisions efficiently and effectively and who has earned the respect of your entire staff. Oftentimes the team leader is the CEO, but even if this isn't the case, he or she should at least be present during the initial meeting of the group. Other positions on the CMT should include: corporate counsel if available; outside legal advisor; public relations specialist; outside crisis communications counsel; a food scientist if appropriate given the type of crisis; liaison to regulatory authorities; and administrative support.

" Understand the facts.

Create a factual timeline that includes a summary of events and all of your contacts with customers, suppliers, regulatory authorities, outside consultants, and corporate officials. For example, during an E.coli outbreak, list information such as victim location and age, food consumed, suppliers of food consumed, and contact with public health officials. Your goal is to create a snapshot of what is happening so that all decisions are based on current and confirmed information.

Take control.

The public must understand that the restaurant regards the situation as serious and that you are taking decisive action. Many crisis situations require an immediate response from the restaurant to the public and/or news media – certainly within the first hour – with regular updates thereafter, either in cooperation with investigating authorities, or independently. Depending on the severity of the crisis, your public face should be the owner, CEO, or president. If the crisis is on a more minor scale, the CEO should be somewhat protected, not pushed into the spotlight. Carefully assess the current situation and the opportunity for the crisis to escalate. Then, show you're in control of the situation by gathering information and managing how it will be communicated to many audiences, such as employees, media, investors, and the public.

Decide on a strateay.

While most companies have not been involved in a crisis that has threatened their reputation or ability to operate, your day-to-day business experience is still beneficial during a crisis. You must develop a strategy and implement it with tactics designed to respond to different audiences – customers, the media, regulatory agencies, employees, and investors. Professional crisis management specialists can also be valuable in helping manage your crisis effectively.

" Actively engage the media.

The most frequent mistake made by companies during a crisis is the failure to actively manage the situation with the news media, which will usually judge a company's response to the crisis within the first 24 to 48 hours. Getting into the "first news cycle" is critical to taking charge—you want to take the opportunity to shape the story first, not have the media or victims shape it for you. Your company must develop a strategy for communicating to the news media and be prepared to provide accurate and up-to-date information on a frequent basis.

MAIN INGREDIENT:

THE CRISIS COMMUNICATIONS PLAN

CRISIS: WHAT IT IS AND WHAT IT ISN'T

The word "crisis" can make even the most confident business owners very anxious. That's why it's helpful to gain the right perspective on crisis management, including understanding what a crisis is ... and what it isn't.

A Crisis Communications Plan: What Is It?

A crisis communications plan is a blueprint for how you'll manage logistical details and your company's image and reputation during a crisis. For example, if a crisis situation makes it necessary for you to alter work schedules, your crisis communications plan should outline how to efficiently get in touch with staff members. Likewise, if something bad happens at your restaurant, you'll want to let the community know that your restaurant cares and that you handled the situation appropriately.

A crisis communications plan is not a complete crisis response plan—it is simply one component of an overall crisis response plan. A crisis communications plan directs communications, but there are other functions you'll need to consider. For example, your crisis response plan should document safe locations to provide shelter to staff and guests during a natural disaster such as a tornado. In this example, the crisis communications plan helps to communicate to appropriate audiences about the well-being of people on the premises; it is not responsible for actually keeping people safe.

Restaurants actually have an important advantage over many other businesses in crisis communications planning and implementation. How so? Most restaurants and their staff are accustomed to the feeling of being "slammed" during the busiest times of a shift. They know the importance of delivering a smooth presentation to their guests even if something goes wrong, such as working shorthanded during a shift or dealing with a mistake in an order. Restaurants understand the value of hospitality and

CRISIS: WHAT IT IS AND WHAT IT ISN'T

A crisis is ...

- A pivotal point that can tilt perception of the restaurant
- Most newsworthy in the first 24-48 hours, with predictable waves of subsequent coverage that can be affected by the restaurant
- A call to swift, deliberate and efficient action by the restaurant
- ✓ Something for which the restaurant can prepare to some degree

A crisis—if well managed—is not ...

- A guarantee of completely negative coverage for the restaurant
- ✓ Something that will never end
- ✓ Chaotic
- An unknown enemy with no known methods of defense



MAIN INGREDIENT:

The Crisis Communications Plan

"making good" if a guest's experience is not up to expectations. Despite your apprehensiveness about crisis management, you may be better suited to handle a crisis situation than you think.

The bottom line? It is important that restaurants develop, implement, and practice crisis communications plans. In doing so, they turn the fear of the unknown into a practical process that is quite similar to their day-to-day commitment to hospitality and superior service.



TECHNIQUE: MEDIA RELATIONS

A great recipe and quality ingredients are essential to a great meal, but they don't guarantee a great meal; the personnel preparing the food need to be skilled in culinary techniques. This is also the case in crisis communications. A plan is absolutely necessary for effective preparation. But your staff must also be familiar with the basic techniques to help implement the plan.

This section presents some of those basic media-relations techniques, including developing an understanding of the media, handling responses to media inquiries, preparing for media events, and practicing for interviews.

Here are a few media relations terms you may find useful:

Response to Media Inquiry. You're in the middle of a crisis and the phone rings. It's a reporter, on deadline. The decision to talk with that reporter, and the process of handling his or her request, is a critical part of media relations that can shape your restaurant's image.

Media Statement or Press Release. Restaurants can distribute their messages through the creation and distribution of media statements or press releases. Depending on the situation, you may want to supplement those statements with direct calls to reporters, editors or producers to draw attention to your side of the story.

Targeted Media Pitch. Rather than issue a news item broadly, you may choose to "pitch" or "release" a story to one reporter, or a select group of reporters, by contacting them directly. Preferably, this is done in the context of an existing relationship with a reporter, or with the knowledge that a reporter covers issues similar to the one the restaurant has to offer.

Letter to the Editor. Sometimes it is appropriate to respond to a newspaper story by writing a letter to the editor. Doing so can provide an opportunity to express a side of the story you believe was absent from the article.

Op-Ed. Restaurants can submit an "Op-Ed" when an original opinion or response to an article requires more space than a letter to the editor will allow. A typical letter to the editor is approximately 50-150 words, while a typical Op-Ed is approximately 500-700 words. It is important to check with the newspaper about its unique requirements.

Editorial Board. Outreach to editorial boards is often overlooked but is many times one of the most effective tools for media engagement. The editorial board of a newspaper usually is composed of the senior editors who decide the media outlet's editorial position on issues of the day. Editorial boards are no different than reporters—editorial-board members seek and require information about companies just as frequently. Editorial boards generally will meet with company staff for background or will seek out a company to learn more about an issue.

News Conference. A restaurant can hold a news conference if there is a need to communicate something newsworthy to the media broadly. Depending on the situation, audio news conferences can be used to communicate news items via telephone.

CONSIDER THESE "DOS" AND "DON'TS" OF MEDIA RELATIONS:

DO...

- ✓ Treat members of the media with common courtesy and professionalism.
- ✓ Take media stories seriously.
- ✓ Think about the story from the reporter's perspective.
- ✔ Prepare thoroughly and practice thoughtfully for interaction with the media.
- ✓ Think about all of the factors that impact media coverage and seek to influence these factors positively.

DON'T...

- ✓ Err on the extremes: trying to "win them over" on one hand or "beat them" into submission on the other.
- ✓ Take media stories personally.
- ✓ Lose sight of why you are interested in media outreach in the first place.
- ✔ Become robotic in your approach to the media; losing one's personality means losing one's appeal.
- ✓ Deceive or lie to the media—under any circumstance.





Oily Rags Fire Hazard

Handbook for Excellent Restaurant Operations

Oily Rags Can Be Lethal: Protect Yourself, Protect Your Family

By Brad Tower

Christmas 2016 was the first since the death of my three children. Ben, Maddy and Sam were my angels, and my world was torn apart when they lost their lives on March 4, 2016. Their death was caused by rags that had been used to clean up cooking oil in a restaurant. Those rags had been brought home to be laundered and returned to the restaurant the next day. They had been washed with detergent, dried in the dryer and piled in a plastic milk crate by the front door before bedtime so the children's mother would remember to take them back to the restaurant the next day. But that day never came.

Oily rags are items that few people would consider a danger. But according to the National Fire Protection Association, more than 14,000 fires are started every year due to spontaneous combustion or chemical reaction; 1,600 of those fires are in someone's home. In 2016, my children were sleeping upstairs in one of those homes, and none of them escaped.

The rags were still warm when piled into the milk crate. As the residual oil molecules broke down in the pile with little ventilation, the temperature in the center of the rag pile climbed. During the night the rags burst into flames, igniting the couch and other living room furniture. By the time anyone was aware of the danger, it was too late.

The danger from structure fires is not as Hollywood would have you believe. Scenes of people stumbling down a burning hallway with a cloth over their mouth are unrealistic. The danger in a structure fire is that the air itself kills, not the flames. At 600 degrees, the first breath cooks the tissue in your lungs, making the next breath impossible. The only defense is to slow a fire's progression to allow for escape, get early warning via smoke detectors or to prevent the fire in the first place.

Perhaps you, like me, are surprised to hear that "clean" laundry is a danger. I had heard of oily rags spontaneously combusting, but envisioned rags soaked with motor oil or solvents left in the sun or a hot garage. But once they had been washed? I was shocked. Perhaps I shouldn't have been.

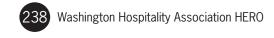
Have you ever actually read the warning labels on your laundry machines? Half of the warning is dedicated to this threat. Mine reads, "Do not put articles soiled with vegetable or cooking oil in the dryer, as these oils may not be removed during washing. Due to the remaining oil the fabric may catch on fire by itself." That fire may occur in the dryer, or as in my case, after the items were removed but not provided sufficient ventilation.

As Charles Dickens' ghost of Jacob Marley said, "I am here to-night to warn you, that you have yet a chance and hope of escaping my fate." Please, protect your families. Whether cooking at home or at your restaurant, remember that all oils are flammable, and cleaning rags that have been used to wipe up cooking oil should be considered a potential ignition source. Ventilation is key – avoid machine drying, and never EVER leave soiled kitchen rags in a large pile.

My heart is broken. If you are reading this, it is because you are meant to understand and avoid a similar heartbreak. That would be a gift to both of us from my angels.

This article was originally published in the January 2017 issue of Washington Hospitality Magazine and adapted for the HERO Manual.

Rev. 12/14/16







Doing the Right Thing the Right Way: A Road Map to Workplace Safety

By Paul Schlienz

No matter what you do, there is always the potential for something to go wrong in life and in work environments. Employers who accept this fact know that the smartest thing they can do is to have all the right safety measures in place to reduce the risk of injury.

Smart employers also know that risk reduction is not only important for employees' safety, it is cost-effective.

"If employers stay focused on doing the right thing, the right way to keep everyone safe, ultimately, that's going to reduce the frequency and cost of claims," said Jessica Woods, RETRO executive accounts manager for the Washington Hospitality Association and the Washington Lodging Association. "If you reduce injuries." you reduce your experience factor, which reduces your hourly rate, and you'll pay less each year to the state in workers' comp insurance premiums."

Know Your Risks

The first step in that all important risk reduction is to identify and understand the risks at your workplace. Unfortunately, as in most workplaces, there are specific hazards associated with work in the hospitality industry.

Slips, trips and falls, exposure to chemicals, burns and cuts/lacerations are just a few of the hazards of being at work.

"If you run a business, you should ask yourself if you have enough 'wet floor' signs on hand," said Woods. "If you have a high usage of knives, you may have a high frequency of nicks and cuts that can be avoided by implementing a cut glove policy."

Then there are the many young people who work in restaurants.

"Young people need different training," said Elaine Fischer, spokesperson for the Washington Department of Labor and Industries (L&I). "They are often not as willing to speak up if they have questions or if they notice a problem."

Lodging establishments have their own set of hazards.

"Some of the injuries we see at hotels include musculoskeletal strains from reaching and lifting things like mattresses and repetitive motion injuries," Fischer said. Exposure to bodily fluids and blood borne pathogens is another risk for housekeeping staff.

Hotel maintenance staff members face different risks, such as accidents that can result from electrical work, sprains and strains from lifting and injury from falls, according to Fischer.

"We've also seen a lot of injuries with hotel maintenance staff members related to ladders," Fischer added.



Workplace Safety

Handbook for Excellent Restaurant Operations

"Ladders are a major cause of injuries in all industries. People can die."

More than an Ounce of Prevention

No matter what kind of hospitality business you operate, you need to have a written Accident Prevention Program (APP) that identifies all possible hazards and spells out how to reduce the risks they present. Washington state law requires all employers to have a written APP (WAC 296-800-140), and employers must also make sure their APP is effective in practice. Ideally, it is the cornerstone of your safety program.

"Business owners are very busy," said Woods. "Sometimes they don't really know where to start when creating a safety program, and they may need help."

This is where your Association comes into the picture. We have a Retrospective Rating (RETRO) program, and our RETRO Department partners with members enrolled in RETRO to help them create even safer workplaces. One of the many benefits of the program is assistance in tailoring an APP manual to meet the specific needs of a business. In addition to APP help for RETRO participants, the Association also has a Hospitality Workplace Safety upon request.

Strong APPs not only help protect your workers and your business, they also give you the peace of mind that you are doing everything possible to maintain a safe workplace, allowing you to focus on making your business grow. Not having an APP is not only a poor business decision, it leaves you open to significant violations/citations from L&I's Department of Safety and Health (DOSH).

Failure to comply with the APP requirement or other workplace safety regulations can be expensive.

"If you want to stay in compliance with L&I, some of your top priorities should be hazardous chemical communication and training, eye wash stations, safety committee meetings and machine guarding," said Woods. "You need to train your employees about the potential workplace hazards and give them the proper personal protective equipment, such as goggles and gloves, in order to avoid hazards. Erring on the side of caution is how you're most protected."

"If L&I inspects your workplace and finds that your employees do not have access to splash goggles when handling chemicals, you could be facing a fine of \$3,000 or more depending on staff size," Woods added. "You could also be fined an additional \$3,000 if you fail to have a material safety data sheet for each hazardous chemical used in the workplace."

Failure to have an eyewash station if required is another common violation that leads to significant citations.

The ROI of Training

Of course, one of the best ways to reduce on-the-job injuries, and L&I citations, is to invest in employee safety training and injury prevention. Again, your Association and the Education Foundation offer you the resources you need to comply with the law and help your workers avoid injury.

The Washington Hospitality Association Education Foundation has launched a comprehensive safety initiative







for owners, managers and supervisors in the hospitality industry who are responsible for training their employees. As part of this, the Hospitality Workplace Safety Guide mentioned above is available in English, Spanish and Korean. It covers a range of topics including working around stoves, ovens and grills; fryer safety: working with knives, equipment with blades and other sharp items; slip, trip and fall prevention; safe lifting and carrying; housekeeping staff safety; and grounds, maintenance and workplace ergonomics.

The Education Foundation also offers courses such as a four-hour first aid/CPR course which provides all the necessary certifications to meet state requirements. Members can arrange for onsite classes for 10 or more students at a discounted price.

Another state requirement is specialized training for employees who may potentially become exposed to bloodborne pathogens, whether daily because of their profession or through applying first aid to another person in need. The Education Foundation offers a bloodborne pathogens course that meets this requirement. Incipient firefighting training, another Education Foundation course offering, provides employees with assessment tools to determine whether it is safe to fight a fire or evacuation is necessary.

"If you're doing everything in your power to create a safe work environment for staff, you've trained your employees appropriately and are continuing it throughout the course of their employment, you're going to reduce injuries and save money." said Woods.

Don't wait for an accident to happen. When you're proactive about heightening safety awareness in your workplace, everybody wins.

RESOURCES TO HELP YOU IMPROVE WORKPLACE SAFETY

Washington Hospitality Association RETRO Program: www.wahospitality.org/wise-buy/retro

Safety training through the Washington Hospitality Association Education Foundation: www.wahospitality.org/ training-education/about/

Washington Department of Labor & Industries safety resources: www.lni.wa.gov/safety/GettingStarted To request an APP (RETRO members) or a Hospitality Workplace Safety Guide, email chriso@wahospitality.org.

This article was adapted from the September 2016 issue of Washington Hospitality Magazine.

Rev. 2/3/17

Application for Employment

NOTE: PLEASE ASK IF YOU NEED ASSISTANCE COMPLETING THIS APPLICATION

| INFORMATION | | | | | | | | |
|---|-----------------|---|-------------------------|----------------------|--------------------|---------------------------------------|--|--|
| LAST NAME: | | FIRST NAME: | | | | MIDDLE IN: | | |
| PRESENT ADDRESS: | | CITY: | | | STATE: | ZIP: | | |
| HOME PHONE: | | CELL: | | | E-MAIL: | | | |
| POSITION APPLIED FOR? | | | | | | | | |
| WAGE/SALARY DESIR | RED? | DATE AVAILABLE FOR WORK? | | | | | | |
| AVAILABLE: Days ☐ Evenings Nights ☐ | | APPLYING FOR: Full time Part time Temporary | | | | | | |
| Will visa or immigration status prevent lawful employment? Yes No (Proof of right to work in the U.S. will be required if hired.) | | | | | | | | |
| Are you 18 years or older? Yes \square No \square (If no, employment is subject to minimum legal age requirements.) | | | | | | | | |
| Do you have a Non-Compete, Non-Disclosure, or other agreement that might restrict your employment with us? Yes No | | | | | | | | |
| Have you ever previously applied to or been employed by this company? Yes No If yes, when? | | | | | | | | |
| How did you learn about this position opening? | | | | | | | | |
| Were you known by any other name at any job or school listed on this application? What name(s)? | | | | | | | | |
| At which school(s)/employer(s) were you known by this other name? | | | | | | | | |
| EDUCATION | | | | | | | | |
| | Name and Lo | cation of School | # of Years Completed | Did you graduate? | Degr | rees Received | | |
| High School | | | | | | | | |
| College | | | | | | | | |
| Trade, Business, or | | | | | | | | |
| Graduate school | | | | | | | | |
| | | | SKILLS | | | | | |
| Typing wpm Ten | -key Reception: | # incoming lines | _ Su | pervision: ye | ears of experience |) | | |
| | | | | | | | | |
| Proficient at : Excel Word Access PowerPoint Outlook Other | | | | | | | | |
| Indicate other skills related to the position you are seeking: | | | | | | | | |
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| Please list four persons, other than relatives, who we may contact about your professional work experience. | | | | | | | | |
| Name Years Known Relationship | | | | | Telephone | · · · · · · · · · · · · · · · · · · · | | |
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EQUAL OPPORTUNITY EMPLOYER



| EMPLOY | MENT RE | CORD (INCOMPLETE APPLICATION | ONS CANNOT BE ACCEPTED) |
|---|---|---|--|
| Please list your employme | nt history belo | ow beginning with the most recent er | nployer, include U.S. military service. |
| If currently employed, may | we contact yo | ur employer? Yes 🛭 No 🗖 | |
| Employer | | City/State | Telephone () |
| Job Title | | Supervisor | Telephone () |
| Dates Employed: From | To | Reason for leaving | Wage/Salary |
| Duties | | | |
| Employer | | City/State | Telephone() |
| Job Title | | Supervisor | Telephone () |
| | | | Wage/Salary |
| Employer | | City/State | Telephone () |
| Job Title | | Supervisor | Telephone () |
| Dates Employed: From | To | Reason for leaving | Wage/Salary |
| Dulles | | | |
| | | | Telephone () |
| Job Title | | Supervisor | Telephone () |
| | | Reason for leaving | Wage/Salary |
| | • | rue and complete to the best of my know g the application process may result in im | ledge. I understand that if I am employed, the mediate dismissal. |
| application and to request inf my previous employers to pro Company) and persons conn | ormation about vide information ected with any ion. If employe | t me from previous employers, education n and opinions concerning my work and v requests for information from all claims, | AME) to investigate all statements contained in this nal institutions, and references. I expressly authorize work habits. Further, I release all parties (including the liabilities, and damages for whatever reason, arising liability for future references it may provide regarding |
| = - | | COMPANY NAME receives, I understands they may have or that my application to | d the Company cannot guarantee that my application will be considered for any specific time. |
| | | nat I am required to abide by all current atterminated, at any time, with or without no | and subsequently issued rules and regulations of the otice, by either party. |
| Signature of Applicant | | Da | te |
| © 1992 PERSONNEL MANAGEN | MENT SYSTEMS | s, INC. | Personnel Management S Y S T E M S |

Sample Job Description – Manager

Reporting Relationships

Position reports to: Owner, Partnership or General Manager

Subordinate staff: Dining Room Employees

Basic Functions:

To direct and supervise the daily operations of the dining room to ensure guest satisfaction. Train and guide staff to build food and beverage sales that meet or exceed budgeted guidelines. Promote excellent service by providing training and education to employees, maintain facility, creating a secure and safe environment.

Essential Functions:

- 1. Set excellent guest service and professional work examples.
- 2. Staff dining room according to levels of business and budgetary guidelines.
- 3. Order and receive product as directed.
- 4. Be informed and up-to-date on all menu, beverage, and special event information.
- 5. Update Point of Sale system with current menu and price changes.
- 6. Provide training to all new employees as required by restaurant.
- 7. Actively participate in the recruiting and hiring of new employees.
- 8. Continually develop staff through training and education.
- 9. Maintain inventory systems as directed by General Manager.
- 10. Assist all management in maintaining restaurant and equipment in "like new condition."
- 11. Supervise and maintain all restaurant cash and credit card controls.
- 12. Complete all assigned daily, weekly, and monthly administrative responsibilities in a timely manner.
- 13. Continually educate staff in appreciation of and compliance with all health and sanitation laws.
- 14. Understand and practice proper telephone etiquette.
- 15. Work directly with guests to resolve any problems or complaints.
- 16. Perform additional responsibilities, although not detailed as requested by the General Manager.

Qualifications

Knowledge

- 1. Knows how to operate P.O.S. system.
- 2. Knowledge and understanding of purchasing inventory control and employee scheduling.
- 3. Basic math skills and cash handling procedures.
- 4. Knowledge of basic training principles.
- 5. Understanding of local, state, and federal regulations regarding WISHA laws, and health and sanitation regulations.
- 6. Knowledge of local, state and federal laws and regulations regarding the responsible sale of alcohol.

Skills/Aptitudes

- 1. Professional communication skills, oral and written,
- 2. Actively supervises, motivates and disciplines employees.
- 3. Assists with hiring and training of all new employees.
- 4. Ability to work in a high-energy and demanding environment.
- 5. Organization skills.
- 6. Demonstrates strong leadership skills and is a team player.





- 7. Works well under pressure.
- 8. Can effectively solve problems.
- 9. Able to take direction.
- 10.A minimum of two years working in management.

Working Conditions

- 1. 90 percent of time standing and 10 percent of time sitting.
- 2. Direct contact with guests, managers and employees.
- 3. Behaves professionally and can be flexible in a changing environment.
- 4. Must be able to carry loads greater than 35 pounds, and be able to transport up to 70 pounds regularly.
- 5. Must speak fluent English.
- 6. Must be able to hear with 100 percent accuracy with correction.
- 7. Must be able to see to 20/20 vision with correction.
- 8. Travel may be required for occasional deliveries, visits to other locations, or company meetings.
- 9. Excellent attendance is required with schedule flexibility determined by business needs.

Level

Can work independently with little supervision.

Non-Essential Duties and Functions

- 1. Use of a point of sale system
- 2. Computer competency (MS Word and MS Excel)

Rev. 12/13/14

Sample Job Description – Sous Chef/Kitchen Manager

Reporting Relationships

Position reports to: Chef

Subordinate staff: Expediter, receiver, prep cooks, line cooks and dishwashers.

Basic Functions:

Responsible for the daily operations of the kitchen, and provides professional leadership and direction to kitchen personnel. Ensures that all recipes, food preparations, and presentations meet restaurant's specifications and commitment to quality. Maintains a safe, orderly and sanitized kitchen. Demonstrates this by example, using proper food-handling techniques.

Essential Functions:

- 1. Prepares daily production list.
- 2. Ensures that all stations remain stocked before and during the meal period.
- 3. Verifies that kitchen staff follows all recipes and portions servings correctly.
- 4. Keeps kitchen, dish, and storage areas clean and organized.
- 5. Places food and supply orders as directed.
- 6. Receives product by verifying invoice and freshness of merchandise.
- 7. Hires and trains employees to company standards.
- 8. Sets excellent customer service and work examples.
- 9. Actively participates as a member of the management team.
- 10. Manages staffing levels throughout shift.
- 11. Oversees kitchen labor and food cost to budgetary requirements.
- 12. Performs additional responsibilities, although not detailed, as requested by the chef at any time.

Qualifications

Knowledge

- 1. College or culinary training or extensive cooking and production experience.
- 2. Commitment to quality service, and food and beverage knowledge.
- 3. Basic math skills.
- 4. Knowledge of basic training techniques.
- 5. Awareness of local, state and federal health and sanitation laws.
- 6. Understanding of proper use and maintenance of major kitchen equipment, including stoves, refrigeration, slicer, knives, and dish machine.
- 7. A minimum of two years working in a food preparation position.

Skills/Aptitudes

- 1. Professional communication skills, oral and written.
- 2. Actively supervises, motivates and disciplines employees.
- 3. Assists with hiring and training of all new employees.
- 4. Ability to work in a high-energy and demanding environment.
- 5. Organization and leadership skills.
- 6. Demonstrates strong leadership skills and is a team player.
- 7. Works well under pressure.
- 8. Can effectively solve problems.
- 9. Able to take direction.



- 10. A minimum of two years working in management.
- 11. Beverage responsibilities for a minimum of one year.

Working Conditions

- 1. 90 percent of time standing and 10 percent of time sitting.
- 2. Direct contact with guests, managers and employees.
- 3. Behaves professionally and can be flexible in a changing environment.
- 4. Must be able to carry loads greater than 35 pounds, and be able to transport up to 70 pounds regularly.
- 5. Must speak fluent English.
- 6. Must be able to hear with 100 percent accuracy with correction.
- 7. Must be able to see to 20/20 vision with correction.
- 8. Travel may be required for occasional deliveries, visits to other locations, or company meetings.
- 9. Excellent attendance is required with schedule flexibility determined by business needs.

Level

Can work independently with little supervision.

Non-Essential Duties and Functions

- 1. Use of a point of sale system
- 2. Computer competency (MS Word and MS Excel)

Rev. 12/13/14

Sample Job Description – Line Cook

Reporting Relationships

Position Reports to: Chef and Sous Chef, or Kitchen Manager

Subordinate Staff: None

Basic Functions:

A line cook is responsible for the daily preparation of food items in the pantry, fry and/or stations or other areas of the kitchen.

Essential Functions:

1. Sets up station according to restaurant guidelines.

- 2. Prepares all food items as directed in a sanitary and timely manner.
- 3. Follows recipes, portion controls, and presentation specifications as set by the restaurant.
- 4. Restocks all items as needed throughout shift.
- 5. Cleans and maintains station in practicing good safety, sanitation, organizational skills.
- 6. Has understanding and knowledge to properly use and maintain all equipment in station.
- 7. Assists with the cleaning, sanitation, and organization of kitchen, walk-in coolers, and all storage areas.
- 8. Performs additional responsibilities, although not detailed, as requested by the Chef, Sous Chef or Kitchen Manager at any time.

Qualifications

Knowledge

- 1. Basic understanding of professional cooking and knife handling skills.
- 2. Understanding and knowledge of safety, sanitation and food handling procedures.
- 3. Previous prep or line cook experience.

Skills/Aptitudes

- 1. English language and professional communications skills are required.
- 2. Ability to take direction.
- 3. Ability to work in a team environment.
- 4. Ability to work calmly and effectively under pressure.
- 5. Must have problem solving abilities, be self-motivated, and organized.
- 6. Commitment to quality service, and food and beverage knowledge.

Working Conditions

- 1. This position will spend 100 percent of the time standing.
- 2. Occasional environmental exposures to cold, heat, and water.
- 3. The individual must be able to transport up to 50 pounds on occasion and up to 35 pounds regularly.
- 4. Must be able speak, read and understand basic cooking directions.
- 5. Must be able to hear with 100 percent accuracy with correction.
- 6. Must be able to see 20/20 vision with correction.

Level

The individual will work directly under Chef, Sous Chef, or Kitchen Manager.





Sample Job Description – Server

Reporting Relationships

Position reports to: General manager and managers

Subordinate Staff: None

Basic Functions:

Serves guests quickly, efficiently and with complete knowledge of food and beverage menus. Offers superior customer service and maintains station in a clean and orderly manner throughout shift.

Essential Functions:

- Warmly greets and acknowledges guests upon arrival. 1.
- 2. Effectively merchandises food and beverage menus in an informative, friendly and enthusiastic manner.
- 3. Polishes all silverware and glassware used for service.
- Accurately takes guest orders. 4.
- Cleans, stocks, and maintains the workstations throughout shift. 5.
- Follows all safety and sanitation policies. 6.
- 7. Correctly and precisely calculates each guest check.
- 8. Performs additional responsibilities, although not detailed, as requested by a manager at any time.

Qualifications

Knowledge

- High school diploma and prior experience in a restaurant. 1.
- 2. Basic math skills.
- 3. Understanding of federal, state, and local liquor laws.

Skills/Aptitudes

- 1. English language and professional communications skills are required.
- 2. Ability to take direction.
- 3. Ability to work in a team environment.
- Ability to work calmly and effectively under pressure. 4.
- 5. Must have problem solving abilities, be self-motivated, and organized.
- Commitment to quality service, and food and beverage knowledge. 6.

Level

Must be able to work under moderate supervision.

Non-Essential Duties and Functions

Use of a point of sale system.

Rev. 12/13/14

Sample Job Description – Busser

Reporting Relationships

Position Reports to: General Manager & Managers

Subordinate Staff: None

Basic Functions:

Sets and resets dining room tables. Assists with clearing tables, refilling water, serving bread, and restocking clean plates, silverware, and glassware.

Essential Functions:

- 1. Resets tables according to specifications of restaurant.
- 2. Removes plates and silverware when all guests have finished.
- 3. Sets up and breaks down dining room for each shift.
- 4. Maintains service stations in a clean and orderly manner throughout shift.
- 5. Performs all opening and closing side work as required.
- 6. Performs additional responsibilities, although not detailed, as requested by a manager at any time.

Qualifications

Knowledge

- 1. Understands dining room service procedures.
- 2. Follows all safety and sanitation policies.

Skills/Aptitudes

- 1. English language and professional communications skills are required.
- 2. Ability to take direction.
- 3. Ability to work in a team environment.
- 4. Ability to work calmly and effectively under pressure.
- 5. Must have problem-solving abilities, be self-motivated, and organized.
- 6. Commitment to quality service, and food and beverage knowledge.

Working Conditions

- 1. This position will spend 100 percent of the time standing.
- 2. Occasional environmental exposures to cold, heat, and water.
- 3. The individual must be able to transport up to 50 pounds on occasion and up to 35 pounds regularly.
- 4. Must be able to hear with 100 percent accuracy with correction.
- 5. Must be able to see 20/20 vision with correction.

Level

Works under direct supervision of floor managers.



Sample Job Description – Dishwasher

Reporting Relationships

Position Reports to: Chef, Sous Chef or Kitchen Manager

Subordinate Staff: None

Basic Functions:

Properly cleans and sanitizes all dishes, glassware, utensils and pots. Responsible for maintaining dish room and dish machine. Assists with cleaning other areas of the restaurant as requested.

Essential Functions:

- 1. Can operate dish machines to company and manufacturer specifications.
- 2. Uses proper measurements of detergent and sanitizer in the dish machine.
- 3. Restocks all dishes, glassware, utensils, pots, and pans.
- 4. Removes all garbage.
- 5. Breaks down, cleans, and sanitizes the dish machine at the end of a shift.
- 6. Keeps dish and other storage areas clean and organized.
- 7. Performs additional responsibilities, although not detailed, as requested by a Chef, Sous Chef, or Kitchen Manager at any time.

Qualifications

Knowledge

- 1. Knowledge of basic sanitary guidelines.
- 2. Knowledge of basic dish machine operations.

Skills/Aptitudes

- 1. Comprehensive understanding of the English language.
- 2. Ability to communicate effectively with co-workers and managers.

Working Conditions

- 1. This position will spend 100 percent of the time standing.
- 2. Occasional environmental exposures to cold, heat, and water.
- 3. The individual must be able to transport up to 50 pounds on occasion and up to 35 pounds regularly.
- 4. Must be able to hear with 100 percent accuracy with correction.
- 5. Must be able to see 20/20 vision with correction.

Level

Works under supervision of Chef, Sous Chef, and Kitchen Manager.

Sample Job Description – Bartender

Reporting Relationships

Position Reports to: General Manager & Managers

Subordinate Staff: None

Basic Functions:

Prepares and serves alcoholic and non-alcoholic beverages. Demonstrates excellent customer service. Consistently prepares drinks by following recipes. Maintains bar and equipment in "like new" condition and follows all sanitation and health guidelines. Demonstrates accuracy in all cash handling procedures.

Essential Functions:

- 1. Mixes and serves drinks for guests in the bar as they are ordered.
- 2. Mixes and serves drinks for waiters as they are ordered.
- 3. Properly records and calculates all guests orders in the bar tickets.
- 4. Returns correct change or charges a voucher to guests in a timely manner.
- 5. Follows all cash handling procedures and policies.
- 6. Takes food orders for guest at the bar.
- 7. Cleans, stocks, and maintains the bar throughout shift.
- 8. Follows all safety and sanitation policies.
- 9. Serves drinks in clean and polished glassware.
- 10. Cleans up and re-settles the bar after completion of service.
- 11. Properly records and writes-off of all complimentary drinks.
- 12. Restocks the bar.
- 13. Uses proper telephone etiquette and procedures.
- 14. Communicates information regarding guest requests, out-of-stock items, and new products to all employees and managers.
- 15. Performs additional responsibilities, although not detailed, as requested by a manager at any time.

Qualifications

Knowledge

- 1. High school diploma, and prior experience in a bar and restaurant.
- 2. Knowledge of standard alcoholic recipes.
- 3. Basic math skills.
- 4. Understanding of Federal, state and local liquor laws.

Skills/Aptitudes

- 1. English language and professional communications skills are required.
- 2. Ability to take direction.
- 3. Ability to work in a team environment.
- 4. Ability to work calmly and effectively under pressure.
- 5. Must have problem-solving abilities, be self-motivated, and organized.
- 6. Commitment to quality service, and food and beverage knowledge.

Working Conditions

- 1. This position will spend 95 percent of the time standing and 5 percent of the time sitting.
- 2. Occasional environmental exposures to cold, heat, and water.





- 3. The individual must be able to transport up to 50 pounds on occasion and up to 35 pounds regularly.
- 4. Must be able to hear with 100 percent accuracy with correction.
- 5. Must be able to see 20/20 vision with correction.

Level

Must be able to work under moderate supervision.

Sample Job Description – Host/Hostess

Reporting Relationships

Position Reports to: General Manager & Managers

Subordinate Staff: None

Basic Functions:

Practices strong telephone and guest service etiquette. Accurately records reservations. Warmly greets and seats guests in the highest professional matter.

Essential Functions:

- 1. Answers incoming telephone calls in a prompt and professional manner.
- 2. Manages reservations to effectively seat entire dining room.
- 3. Practices complete guest service by greeting and welcoming guests.
- 4. Possesses knowledge of food and beverages served.
- 5. Able to properly set tables.
- 6. Understand mechanics of service and can arrange tables for large parties.
- 7. Maintains dining room, entrance (interior and exterior) restaurant throughout shift.
- 8. Maintains a clean and organized desk area.
- 9. Ensures that there are plenty of menus for service period.
- 10. Appears and acts in a professional manner.
- 11. Performs additional responsibilities, although not detailed, as requested by a manager at any time.

Qualifications

Knowledge

- 1. Knowledge of the proper etiquette and service standards.
- 2. Basic math skills.
- 3. High school diploma and prior experience working in customer service.

Skills/Aptitudes

- 1. English language and professional communications skills are required.
- 2. Ability to take direction.
- 3. Ability to work in a team environment.
- 4. Ability to work calmly and effectively under pressure.
- 5. Must have problem solving abilities, be self-motivated, and organized.
- 6. Commitment to quality service, and food and beverage knowledge.

Working Conditions

- 1. This position will spend 95 percent of the time standing and 5 percent of the time sitting.
- 2. Occasional environmental exposures to cold, heat, and water.
- 3. The individual must be able to transport up to 30 pounds occasionally.
- 4. Must be able to hear with 100 percent accuracy with correction.
- 5. Must be able to see 20/20 vision with correction.

Level

Must be able to work under moderate supervision.



New Hire Form Checklist

| Name: | SS#: |
|---|-------|
| DOCUMENTATION TO RETURN TO OFFICE | |
| □ Application for Employment □ I-9 Employment Eligibility Verification □ W-4 Form □ New Employee Information Sheet □ Safety Training Acknowledgement □ Uniform Agreement (if required) □ Employee Handbook: Acknowledgement & Receipt | |
| EMPLOYEE HANDOUTS | |
| □ Safety Handout (Injury & Illness Prevention)□ Sexual Harassment Handout□ Conditional Employee? Health conversation | |
| REFERENCES CHECKED BY: | |
| Name: | Date: |
| | |
| VERIFICATION BY: | |
| Manager or Supervisor: | Date: |

New Hire/Change in Status Form

| Last Name | First Name | | MI |
|---|--|---------------------|---------------------------------|
| Street Address | | | |
| City, State and Zip | | | |
| Social Security Number | | | |
| Phone Number | Other Phone Number | | |
| Reason for change: (check a New hire Promotion Phone | all that apply) Pay rate change Leave of Absence | □ Name □ Address | ☐ Transfer☐ Termination☐ Other: |
| NEW HIRE Job Title | Department | | |
| Date of Hire | Supervisor | | |
| Type of Pay (check one) ☐ Hourly Rate of Pay \$ | □ Annual Salary □ Commission | □ Bonus | |
| Work Type □ Full Time □ Part Time | e Hours per week: | | |
| Date of Birth | Gender | M F | |
| Marital Status (Check one) □ Single | ☐ Married ☐ Divorced ☐ Se | parated | |
| Number of Dependents | | | |
| Emergency Contact | Phone Nun | nber | |
| Relationship | | | |



Sample Interview QuestionsThe interviewer's main objective is to make the applicant comfortable. Establishing a good rapport from the beginning enables a two-way conversation avoiding "yes" and "no" answers. In addition to the questions below, the following steps will assist you in preparing and conducting a good interview:

| ☐ Greet the applicant warmly with a smile, firm handshake, and a casual statement ☐ Ask specific questions to gather the information about their background, past experience, and personal interests |
|---|
| □ Listen |
| ☐ Avoid questions that may be sensitive or illegal (such as religion, marital status, etc.) ☐ Tell them about the position and your company |
| ☐ Discuss the skills and working conditions for the position |
| ☐ Allow the applicant time to ask questions |
| Close the interview by informing the applicant of what the next step will be |
| □ Do not write on the application, as it is a legal document □ Keep a neutral tone and expression so as not to indicate how you are evaluating their responses |
| □ Once the interview is completed, evaluate the candidate's qualifications |
| mple Questions |
| □ What has been your greatest accomplishment? (This demonstrates a sense of pride and ability to achieve goals.) □ If a guest was unhappy with what they ordered, what would you do? (You are looking for the ability to problem solve, make the guest happy, and inform the supervisor.) |
| Why are you leaving (or did you leave) your current position? (This provides insight in why they are moving - for job security, financial, or other motivating factors.) |
| ☐ What has been your biggest challenge or obstacle to overcome? (How a person deals with difficulties may indicate how they overcome them.) |
| □ Name three words that describe you. (Indicates self-confidence.) |
| □ Describe your responsibilities in your current or most recent position. (How they define their job is helpful in finding out skill level and leads to additional questions.) |
| ☐ On what issue do you disagree with your current boss most often? (This question gives you an indication of how the candidate handles authority.) |
| ☐ What was your most satisfying evaluation and why? What about your most disappointing review? (This will give you an idea of the candidate's honesty and the type of skills they value.) |
| How would your supervisor rate your ability to cope with last-minute changes? (This will tell you if the candidate deals with stress, is flexible in the working environment, and can be a team player.) |
| ☐ Which kitchen position are you the most comfortable with? (i.e., sauté, grill, production) |
| □ What type of food do you like to prepare at home? Go out for? (It's important to learn the level of cooking experience, or, for front-of-the-house positions, what type of food they personally enjoy. If you are in the delicatessen business and a significant portion of your business is selling cold cuts, hiring a vegetarian may not |
| be your first choice.) |
| ditional Topics |
| ☐ What are some of your interests or hobbies? (Puts applicant at ease and assists in determining how they will fit with your company.) |
| □ How did you hear about this position or company? |
| ■ What was your favorite job and why did you enjoy it?■ Which position you held was the most difficult or least satisfactory? |
| □ What are some of your strengths both personally and professionally? |
| ☐ How are you interested in furthering your education or your developing skills? |

If the applicant is a potential employee, you may ask what his or her interest is in the position as defined. Ask questions regarding any education, vocational or additional training he or she may have received.

Telephone Reference Check Form

| Applicant Name | | Date | _ |
|---|------------------|---|-------------------|
| Position Applied For | | | _ |
| REFERENCE INFORMAT Person Contacted | | | _ |
| Company | | Title | _ |
| Address | | | _ |
| Phone Number | | Position Applied For | _ |
| May we use you as a refer (If the answer is no, ask if | | ☐ No erify dates of employment, wage received and eligib | ility for rehire) |
| Dates of Employment | From | To | |
| Compensation | Starting | Ending | |
| Applicant's Previous Positi | on (s) | | |
| Explanation of position or | responsibilities | | |
| How would you evaluate: His/her work in ge | neral | | |
| Ability to get along | g with others | | |
| Reason For Leaving | | | |
| Strengths | | | |
| Limitations | | | |
| Dependability | | | |
| Attendance | | | |
| | | | _ |
| Rafaranca Chackad Ry | | | |



Safety Training Checklist

| Name | |
|--|------------------------------|
| Date | |
| Job Title | |
| Employee Initials I have received a copy of the Safety Regulations | |
| I have been trained in the following areas: Safety rules, both general and job specific Proper lifting Injury reporting Importance of housekeeping Reporting of unsafe conditions Location of First Aid box Location of common slip/fall areas and the importance of kellocation of fire extinguisher Location of fire exits Ladder safety Proper handling of knives How to use specific equipment: Slicer Mixer Coffee/Tea/Espresso Machines Can Opener Other (list by name) * * Other (list by name) | eeping these clean and clear |
| Employee Signature | |
| Manager Signature | Date |

Sample Employee Uniform Agreement

| Employee Name | |
|---|---|
| SS# | |
| employment. Staff will be responsible for the available to purchase at the restaurant's cost. | yees who are required to wear uniforms as a condition of safekeeping of all uniforms they are furnished. Extra uniforms are See management regarding extra uniforms. Upon termination, nere will be a deduction for the cost of those items from your final |
| Employee Signature | Date |
| Manager Signature | Date |

Employee Handbook Acknowledgement Form

| I acknowledge that I have received a copy of thethis Handbook supersedes any previous policies or procedures. | _ Employee Handbook and that |
|--|---|
| I understand that it is my responsibility to read this manual and that any quescontents should be directed to my manager or to the Proprietors. | stions I may have regarding its |
| I understand and agree that my employment with contained in this Handbook and that, except for the "at-will" employment poliright to change, amend, add, modify, supplement or discontinue any policy oprior notice. In addition, except for the "at-will" employment, policy, the Comprocedures as necessary. | icy, the Company reserves the or procedure at any time without |
| I understand that the Company also reserves the right to make changes in a working conditions. | ny benefits, wages, hours or |
| I understand that the contents of this Handbook presented information only, any policies or procedures, are considered as a contractual commitment or I understand that my employment is "at-will", and that either the Company or relationship at any time for any reason. I also understand that policy is a full and complete expression of the Company's termination policy. | obligation. I may terminate the employment "at-will" employment |
| Name (please print) | |
| Signature | |
| Dete | |

Rev. 12/08/11

Employee Health Policy Agreement

Reporting: Symptoms of Illness

I agree to report to the manager when I have:

- 1. Diarrhea
- 2. Vomiting
- 3. Jaundice (yellowing of the skin and/or eyes)
- 4. Sore throat with fever
- 5. Infected cuts or wounds, or lesions containing pus on the hand, wrist, an exposed body part (such as boils and infected wounds, however small).

Reporting: Diagnosed Illnesses

I agree to report to the manager when I have:

- 1.Norovirus
- 2.Salmonella Typhi (typhoid fever)
- 3. Shigella spp. infection
- 4.E. coli infection (Escherichia coli O157:H7 or other EHEC/STEC infection)

5.Hepatitis A

Note: The manager must report to the Health Department when an employee has one of these illnesses.

Reporting: Exposure of Illness

I agree to report to the manager when I have been exposed to any of the illnesses listed above through:

- 1. An outbreak of Norovirus, typhoid fever, Shigella spp. infection, E. coli infection, or Hepatitis A.
- 2. A household member with Norovirus, typhoid fever, Shigella spp. infection, E. coli infection, or hepatitis A.
- 3. A household member attending or working in a setting with an outbreak of Norovirus, typhoid fever, Shigella spp. infection, E. coli infection, or Hepatitis A.

Exclusion and Restriction from Work

If you have any of the symptoms or illnesses listed above, you may be excluded* or restricted** from work.

*If you are excluded from work you are not allowed to come to work.

**If you are restricted from work you are allowed to come to work, but your duties may be limited. Returning to Work

If you are excluded from work for having diarrhea and/or vomiting, you will not be able to return to work until more than 24 hours have passed since your last symptoms of diarrhea and/or vomiting.

If you are excluded from work for exhibiting symptoms of a sore throat with fever or for having jaundice (yellowing of the skin and/or eyes), Norovirus, Salmonella Typhii (typhoid fever), Shigella spp. infection, E. coli infection, and/or Hepatitis A, you will not be able to return to work until Health Department approval is granted.

Agreement

I understand that I must:

- 1. Report when I have or have been exposed to any of the symptoms or illnesses listed above; and
- 2. Comply with work restrictions and/or exclusions that are given to me.

I understand that if I do not comply with this agreement, it may put my job at risk.





Employee Overtime Authorization

| I hereby authorize | | | |
|--------------------|-------------------|-----------------|----|
| , | | (Employee name) | |
| to work | hours overtime on | (Date) | _· |
| Employer | | | _ |
| Supervisor | | | _ |
| Supervisor Title | | | |

The Washington Hospitality Association believes that these employee notices are legally sufficient, accurate, and in compliance with applicable law as of the date set forth below. Because the law is constantly changing, the Association makes no warranty or representation concerning the legal accuracy, adequacy or sufficiency of these employee notices. Members use these employee notices at their own risk. The Washington Hospitality Association recommends that members intending to use these employee notices have them reviewed by their own legal counsel.

Tardy Notice

| Name | | | |
|---------------------------------------|-------------------------------|-------------------------------------|----------|
| Position | | Date | |
| You were late for wo following dates: | rk without permission and wit | hout notification to your superviso | r on the |
| 1st notice: | 2nd notice: | 3rd notice: | |
| Employer | | | |
| Supervisor | | | |
| Supervisor Title | | | |



Absentee Notice

| Name | | | |
|-----------------------------|----------------------------|--|---------------|
| Position | | Date | |
| You were absent from dates: | work without permission ar | d without notification to your supervisor on | the following |
| 1st notice: | 2nd notice: | 3rd notice: | |
| Employer | | | |
| Supervisor | | | |
| Supervisor Title | | | |

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Warning Notice

| Name | | |
|---|--|-------------------|
| Position | Date | |
| below to continue or be repeated, further notice. This notice is not in relationship with the Company. No | repeat the offense described below, or permit the condition described your employment relationship with this Company may be terminated tended to nullify or modify the employment-at-will nature of your employmentstanding the above warning notice, the Company may terminate ason, except where specifically prohibited by law. | without oyment |
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| • | | |
| Supervisor Title | | |

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Employee Termination Notice

| Name | | |
|------------------|---|----------------------|
| Position | Date | |
| | se of your continued and repeated violation of complationship with this Company is hereby terminated. | oany rules described |
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| Employer | | |
| Supervisor | | |
| Supervisor Title | | |

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Employee Termination Record

| | mpany has been voluntarily terminated without any duress, control (date). I have received a sum of \$, balance me as of this date. | |
|---------------------------|--|--|
| Employee Name (please pri | nt) | |
| Employee Signature | | |
| Position | Date | |
| Employer | | |
| Received and Accepted by | | |
| Date | | |

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Employee Performance Review

Employee Information

| Name: | |
|-------------|--------------|
| Title: | |
| Supervisor: | |
| Start Date: | Review Date: |

| Performance Ratings | | | | | | | |
|---|----|-------|---|---|---|----|--|
| 5 – Consistently Exceeds Expectations 4 – Sometimes Exceeds Expectations 3 – Meets Expectations 2 – Sometimes Does Not Meet Expectations 1 – Consistently Does Not Meet Expectations N/A – Not Applicable | Ra | atinį | g | | | | |
| Possesses the skills and knowledge of the responsibilities and duties assigned to the position and responds correctly to inquiries, consults with others as appropriate, and follows policies / protocol in carrying out job responsibilities. Comments: | 5 | 4 | 3 | 2 | 1 | NA | |
| Quality of Work Is consistently thorough in completing work with few errors Comments: | 5 | 4 | 3 | 2 | 1 | NA | |
| Initiative Meets deadlines, produces the work assigned, and demonstrates flexibility by adjusting to unexpected situations. Comments: | 5 | 4 | 3 | 2 | 1 | NA | |
| Judgment / Decision Making / Problem Solving Determines priorities, makes logical and timely decisions, and resolves problems quickly. Comments: | 5 | 4 | 3 | 2 | 1 | NA | |

| Cooperation and Teamwork | | | | | | |
|--|-----|-------|------------------------|---|-----------------|----|
| Shows willingness to help others and get along with co-workers. Comments: | 5 | 4 | 3 | 2 | 1 | NA |
| Attendance and Punctuality | | | | | | |
| Reports to work on time, follows procedures for requesting leave, reports absences, and provides necessary documentation / releases to work. Comments: | 5 | 4 | 3 | 2 | 1 | NA |
| Customer Service | | | | | | |
| Serves the customer in a competent manner. Has a clear understanding of how to utilize the resources properly and realistically to accomplish tasks. Comments: | 5 | 4 | 3 | 2 | 1 | NA |
| Safety | | | | | | |
| Promotes safe work environment and work practices; complies with all safety guidelines. Complies with food safety regulations. Comments: | 5 | 4 | 3 | 2 | 1 | NA |
| WestsHabes | | | | | | |
| Work Habits Manages stress, conflict, and frustration in a constructive manner. Comments: | 5 | 4 | 3 | 2 | 1 | NA |
| Interpersonal and Communication Skills | | | | | | |
| Listens well, makes contributions, and keeps others informed. Comments: | 5 | 4 | 3 | 2 | 1 | NA |
| Responsiveness | | | | | | |
| Responds to tasks or requests in a cooperative and timely manner. Comments: | 5 | 4 | 3 | 2 | 1 | NA |
| Average Rating Add all rating numbers together for total ratings. Divide by* the number of performance ratings used for the average rating (if all ratings were used, divide by twelve). | Div | /ided | ating d by ge Ra | * | - - { = . | |



| Goals and Objectives |
|--|
| Specific Contributions / Achievements |
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| Improvement Opportunities |
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| Training / Davidanment Recommendations |
| Training / Development Recommendations |
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| Negotiated Goals / Action Plan |
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| Other Comments |
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| Overall Performance | | |
|--------------------------------|----------|--|
| Average from first section | | |
| Optional supervisor amendments | | |
| Overall performance rating | | |
| Employee Comments | | |
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| | | |
| Next Review Date: | | |
| Signatures: | | |
| Supervisor | Date | |
| Employee | Date | |
| HR / Other | Date | |



Employee Exit Interview

| Name | | | | | | Da | ite | | | | |
|------|--|------------------------|---------|---------------|-------|--------------|--------|-------------------|--|--|--|
| 1. | The | type of work I was | ass | igned was | enjoy | yable: | | | | | |
| | | Strongly agree | | Agree | | Disagree | | Strongly disagree | | | |
| 2. | My job was important to the company's success: | | | | | | | | | | |
| | | Strongly agree | | Agree | | Disagree | | Strongly disagree | | | |
| 3. | Wa | ges are about avera | age (| compared t | o otl | her local re | staur | ants: | | | |
| | | Strongly agree | | Agree | | Disagree | | Strongly disagree | | | |
| 4. | Му | fellow employees v | vere | cooperativ | e: | | | | | | |
| | | Strongly agree | | Agree | | Disagree | | Strongly disagree | | | |
| 5. | l wa | as given adequate t | raini | ng for the j | ob: | | | | | | |
| | | Strongly agree | | Agree | | Disagree | | Strongly disagree | | | |
| 6. | Wo | rking conditions are | abo | out average | for | the restaura | ant b | usiness: | | | |
| | | Strongly agree | | Agree | | Disagree | | Strongly disagree | | | |
| 7. | Му | supervisor handled | his/ | her job wel | l: | | | | | | |
| | | Strongly agree | | Agree | | Disagree | | Strongly disagree | | | |
| 8. | The | company was well | l-orga | anized, sch | edule | ed and conf | trolle | d: | | | |
| | | Strongly agree | | Agree | | Disagree | | Strongly disagree | | | |
| 9. | Му | specific work response | onsik | oilities were | clea | nr: | | | | | |
| | | Strongly agree | | Agree | | Disagree | | Strongly disagree | | | |
| 10 | .My | abilities were well-u | ıtilize | ed: | | | | | | | |
| | | Strongly agree | | Agree | | Disagree | | Strongly disagree | | | |

Manager Evaluation by Employee

| Date: |
|-------|
| |

Please answer the following questions to the best of your ability. A 5 is the highest score, and a 1 is the lowest score. Return this in the enclosed envelope to the Business Office by the date above.

| 1. How would you rate this person's grooming? | 5 | 4 | 3 | 2 | 1 |
|--|---|---|---|---|---|
| 2. How would you rate this person's ability to communicate? | 5 | 4 | 3 | 2 | 1 |
| 3. Does this person instill a sense of teamwork among those s/he supervises? | 5 | 4 | 3 | 2 | 1 |
| 4. Does this person have good training skills? | 5 | 4 | 3 | 2 | 1 |
| 5. How would you rate this person's ability to train the management staff? | 5 | 4 | 3 | 2 | 1 |
| 6. Do you feel you can approach this person about subjects that trouble you? | 5 | 4 | 3 | 2 | 1 |
| 7. Does this person respond in an adult manner to criticism and suggestions? | 5 | 4 | 3 | 2 | 1 |
| 8. How willing is this person to help out in areas where s/he sees the need? | 5 | 4 | 3 | 2 | 1 |
| 9. Does this person deal fairly with everyone? | 5 | 4 | 3 | 2 | 1 |
| 10. Does this person show good judgment & common sense in emergencies? | 5 | 4 | 3 | 2 | 1 |
| 11. How well does this person follow through? | 5 | 4 | 3 | 2 | 1 |
| 12. Does this person leave his/her problems at the back door and concentrate on job performance? | 5 | 4 | 3 | 2 | 1 |
| 13. How well does this person adhere to company policy? | 5 | 4 | 3 | 2 | 1 |
| 14. Does this person help you to be the best employee you can be? | 5 | 4 | 3 | 2 | 1 |
| 15. How well do you like working with this person? | 5 | 4 | 3 | 2 | 1 |
| | | | | | |

- 16. In what one, single area should this person improve to increase his/her overall performance?
- 17. What one word would you use to describe this person?
- 18. What single thing does this manager do that makes your job easier?
- 19. What single thing does this manager do that makes your job harder?
- 20. Comments:



WASH YOUR HANDS BEFORE WORK, AFTER USING THE RESTROOM, AND AFTER:

Touching anything that might contaminate your hands
Working with raw food
Touching your hair, face, or body

Sneezing or coughing

Eating or drinking

CleaningTaking out garbageSmoking

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WASH YOUR HANDS BEFORE WORK, AFTER USING THE RESTROOM, AND AFTER:

Touching anything that might contaminate your hands

Working with raw food Touching your hair, face, or body

Sneezing or coughing

Eating or drinking

CleaningTaking out garbageSmoking

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Restroom Check List

□ Empty

(Mark the box(es) that best describe each item)

| Date: | | |
|-----------|--|--|
| Initials: | | |

| DOORS ☐ Well marked/easy to read | WASTE BASKET □ Covered □ Lid left off | LAVATORY Plumbing: ☐ In good working order |
|-----------------------------------|--|--|
| ☐ Spotlessly clean | □ No lid | ☐ Clean & polished |
| ☐ A little dirt on it | □ Clean | ☐ Finish slightly worn |
| □ Dirty | □ Some soil | ☐ "Fresh" dirt |
| ☐ Paint in good shape | ■ Badly soiled | ☐ "Dirty" dirt |
| ☐ Some marks | • | Soap dispenser: |
| ■ Needs painting | FLOOR | □ Full |
| | □ Clean | □ Empty |
| RESTROOM CEILING | □ Some soil | □ Clean |
| □ Cobwebs | ■ Noticeably soiled | ■Messy |
| ☐ Clean & well painted | ☐ Paper on floor | Towels: |
| □ Needs painting | ☐ In good repair | □ Dispenser filled & |
| | □ Some damage | working |
| WALLS | Obviously in need of | ☐ Dispenser filled & not |
| ☐ Graffiti | repair | working |
| ■ Spotless | · | □ Empty |
| ☐ Some soil | LIGHTS | ☐ If cloth, long enough to |
| ■ Badly soiled | ■ Bright | dry on |
| □ Needs paint | ■ Barely enough | ☐ Child can reach towels |
| p | □ Rather dim | Electric Dryer: |
| COMMODE | ■ Bulb burned out | ■ Warm air flow |
| ☐ No visible soil | | □ Cold air flow |
| □ Some soil | MIRRORS | ☐ Strong air flow |
| □ Noticeably soiled | ☐ Clear & clean | ■ Weak air flow |
| ☐ Dirt near floor/bolts | ■ Some spots | □Broken |
| Seat: | □ Rather spotted | |
| ☐ In good repair | □ Broken | ODOR |
| ☐ Worn but not broken | ■Wavy | □ Clean/Neutral |
| □Broken | , | ☐ Strong perfume |
| ☐ Clean | VENTILATION | ☐ Slight perfume/chemical |
| ☐ Fresh soil | ■ Exhaust fan | ■ Noticeable bathroom |
| □ Accumulated soil | Other ventilation | odor |
| Paper: | ■ No ventilation | |
| ☐ Dispenser filled & | | |
| working | | |
| ☐ Filled & not working | | |

Washington Hospitality Association Secret Shopper Form

| Date: Arrived: |
|---|
| Departed: Please be precise with your observations and objective with your commentary. Be sure to answer all questions in each category (as applicable). |
| Section 1 - Service |
| Host/Hostess: Quoted Wait: |
| Actual Wait: |
| YES NO NA Was the person on the phone polite, friendly and informative? What was their name? |
| YES NO NA When you arrived, was your greeting friendly? (A smile, eye contact, welcome) YES NO NA Was your greeting prompt? (less than 30 seconds) |
| YES NO NA Did the person have a name tag on? What was their name or description? |
| YES NO NA Was the host/hostess appearance neat and professional? YES NO NA Upon departure, did you receive a friendly farewell OR were you invited to come back again? |
| Server YES NO NA Were you acknowledged by a server within ONE minute? If not how long did it take? |
| YES NO NA Was your greeting friendly, personable, courteous and hospitable? YES NO NA Did the person have a name tag on? What was their name or description? |
| YES NO NA Was your server's appearance neat, clean and well-groomed? |
| YES NO NA Did the server offer a beverage? YES NO NA Did the server offer an appetizer? |
| YES NO NA Was the server knowledgeable about/helpful with the menu? |
| YES NO NA Were beverage refills timely? |
| YES NO NA Were there timely checkbacks (first checkback one minute after first bite? On food quality and needs? YES NO NA Did the server keep your table clean and tidy? (Dirty plates/glasses removed) |
| YES NO NA Did the server offer a dessert in a timely manner? |
| YES NO NA Did the server return with your guest check in a timely fashion? |
| YES NO NA Was your voucher/change returned promptly? YES NO NA Were you thanked and invited back? |
| Manager |
| YES NO NA Did you see a manager? If so, please continue; if not, skip to the next section. |
| YES NO NA If you had a problem or concern, was it resolved to your satisfaction? |
| YES NO NA Did the manager appear concerned, courteous and well-groomed? YES NO NA Did the person identify themselves? If so, what was their name or description? |

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YES NO NA Was the manager seen interacting with employees and/or guests?



| During your experience, did any one employee stand out in your mind as providing excellent service? If so, please explain who, what and why | |
|---|--|
| | |
| | |
| Did you have a special request? YES NO If yes, what was your request and did we handle it to your expectations? | |
| Was your dining experience pleasant and fun? Did it meet or exceed your expectations? | |
| | |

Overall Impression

Using a scale of 1 - 10, please rate your dining experience today. 12345678910 One point is LOW Five points is AVERAGE Ten points is HIGH

Section 11 - Food & Beverage Quality **Beverages**

YES NO NA Did you receive your beverages within TWO minutes of ordering? If not, how long did it take?

YES NO NA Were the drinks hot or cold as appropriate?

YES NO NA Were the drinks flavorful?

YES NO NA Would you order this specific beverage again?

Appetizers & Side Orders

YES NO NA Did you receive your item within SEVEN minutes of ordering? If not, how long did it take?

YES NO NA Were the appetizers served hot or cold as appropriate?

YES NO NA Was the item attractively presented with fresh ingredients?

YES NO NA Was the item flavorful?

YES NO NA Would you order this item again?

Entrees

YES NO NA Did you receive your entree within TEN minutes of ordering (or if you had an appetizer, did your entree arrive within SEVEN minutes of your appetizer arrival?) If not, how long did it take?

YES NO NA Were the entrees served hot or cold as appropriate?

YES NO NA Were the entrees attractively presented with fresh ingredients?

YES NO NA Were the entrees flavorful?

YES NO NA Did the entrees match the description in the menu or as they were specially ordered?

| YES NO NA Would you order these specific entrees again? |
|---|
| Desserts YES NO NA Did you receive your dessert within FIVE minutes of ordering? If not, how long did it take? |
| YES NO NA Was the dessert attractively presented with fresh ingredients? YES NO NA Was the item flavorful? YES NO NA Would you order this specific entree again? |
| Comments & Impressions |
| |
| |
| |
| |
| Section III - Cleanliness & General |
| Restrooms YES NO NA Men's Room - Clean & well supplied? YES NO NA Women's Room - Clean & well supplied? YES NO NA Was the restaurant exterior clean and maintained? YES NO NA Were the menus clean and in good condition? YES NO NA Were the items on your table clean and in good condition? YES NO NA Did the lighting level make you feel comfortable? YES NO NA Was the temperature comfortable? YES NO NA Could you hear the music clearly above normal conversation? YES NO NA Were the table tops and chairs clean and in good condition? YES NO NA Was the area under your table clean? |

| Comments & Impressions | | | | | | |
|------------------------|--|--|--|--|--|--|
| | | | | | | |
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| What one thing would have made your meal experience more enjoyable? | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
| Did the employees appear to enjoy their work? | | | | | | | |
| If you were paying for this meal, would you perceive it as a good value? | | | | | | | |
| | | | | | | | |

Rev. 12/13/14

First Aid Response Plan

The Department of Labor and Industries requires every employer in Washington state to ensure first-aid trained personnel are available to provide quick and effective first aid in the absence of an infirmary, clinic, or hospital in near proximity to the workplace. Completion of this form will help you comply with the first aid requirements. Some businesses may discover that their answers will warrant the need to have a first aid trained staff on the premises in order to comply with L&I regulations. You will need to take into consideration all shifts to ensure coverage. If in doubt, request a no cost, confidential visit from the L&I Safety consultant by calling your local L&I field office or online at www.lni.wa.gov/Safety/Consultation/request.asp.You cannot be fined by a consultant as a result of the consultation. You will be required to correct serious hazards, but you face no financial penalties. For additional information, call Washington Hospitality Association at 800.225.7166 or visit www.lni.wa.gov/Safety/Consultation.

| 800.225.7166 or visit www.lni.wa.gov/Safety/Consultation. |
|--|
| Date of Review Reviewed By |
| When completing this form, Washington Hospitality Association recommends you take into consideration some of the following points: |
| The intent of this document is to act as part of the business safety plan for management and employees. Keep the plan accessible, and review on a regular schedule both internally and with staff. Walk through your business as a safety inspector might. It is critical that you, as the employer, don't leave out anything that could be potentially hazardous—from equipment to chemicals to physical aspects of the business. Access to emergency medical services must be close and timely. Your plan must provide the address and distance to the service site to be in compliance. Make sure that if you rely on an outside provider, services are available at all times the restaurant is open. This is especially important to businesses that operate late night or 24-hour restaurants. |
| Section 1- Business |
| 1-1. Business Name and Address. Name Address City/Zip |
| 1-2. Location for this plan, if different than above. Address City/Zip |
| 1-3. Person or job title responsible for updating this plan annually. |
| 1-5. I erson of job title responsible for updating this plan annually. |



| • | | t all potential hazards. Consider equipment, prep |
|--|--|--|
| tools, lifting, floor surfaces, c | Jangerous chemicals, etc. | |
| | | |
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| | | |
| | | |
| 2.2. Harrisani amanlaria an in | aulu di minar a a da alaift? | |
| 2-3. How many employees we Breakfast | Lunch | |
| Dinner | Night (10 p.m. – 6 a.m. | .) |
| | | |
| Section 3 - Workplace Hist | - | |
| | e occurred in the past 12 months committee meeting minutes, and, | s at this work site? Review your workers' |
| | Number in last 12 months | |
| Type of accident | Number in last 12 months | - |
| Slips and falls | | - |
| Knife injuries | | 4 |
| Power machinery injuries | | 4 |
| Back injuries | | 4 |
| Chemical burns | | 4 |
| Other (list) | | 4 |
| | | J |
| Section 4 - First Aid Kit | | |
| | ave a first aid kit easily located by | y all employees and portable to an injury site |
| within the building. 4-1. Location of business firs | t aid kit. Be specific | |
| 4-1. LUCAUUII UI DUSIIIESS IIIS | t ald kit. be specific. | |
| | | |
| | | |
| 40111611111 | | _ |
| 4-2. Is the first aid kit access Yes No | sible to all employees at all times? | |
| □ 165 □ 110 | | |
| 4-3. Does your first aid kit co | ontain, at a minimum, the recomm | ended following items? Note: Supplies should be |
| appropriate for your occupati | _ | 4.0.4 |
| ☐ 1 absorbent comp☐ 1 adhesive tape (5 | oress (4x8 inches) 16 adhesive | bandages (1x3 inches) c single-use packages (.5 gram application) |
| • | single-use pkgs. \square 1 eye coverii | |
| ☐ 1 eye wash (1 oun | | - |
| 2 pair of medical e | | bandage (39x39x55 inches) |
| 4-4. Person or job title respo | nsible for ensuring the first aid kit | has adequate supplies are available. |
| 4-5. Date last inspected. | | |
| 4-6 How often is the first aid | kit inspected? | |

| 5-1. Are emergency medical services available during all hours of operation? Yes No | |
|--|-----|
| 5-2. What is the address of the nearest emergency medical services? The nearest service to your business make your mall or building medical services or security; medical clinic; hospital, fire department, etc. | зу |
| | |
| | |
| | |
| 5-3. What would be the response time of emergency medical services to reach your restaurant? For outside services, check with your insurance agent; they will likely already have this information. | |
| | |
| 5-4. Is the response time of emergency medical services sufficient to warrant not having first aid trained staff site? | on |
| □ Yes □ No | |
| Detail how this response time can address your business emergency response needs. | |
| | |
| | |
| | |
| 5-5. List local emergency service phone numbers. This is not a 911 phone number, but rather, the local numb of the emergency medical service. | er |
| Medical Medical | |
| Police | |
| Fire | |
| This Information is posted for employees at: | |
| | |
| | |
| Section 6- Waiver of First Aid Trained Staff CAUTION: If you answer "yes" to the following questions, you need to document why you've decided not to ha | ve |
| first aid trained staff on site. Employers with a high incidence of injury/illness or who are located in remote are | eas |
| or who work with dangerous equipment should reconsider their decision not to have first aid trained staff on s The burden of proof rests on the employer to show why first aid trained staff is unnecessary. Justify why you've | |
| decided not to have staff trained in first aid by answering the following: | C |
| 6-1 a. Is your Workers' Compensation Experience Rating for this location 1.00 or higher? — Yes — No | |
| b. Actual Worker's Compensation rating: | |
| 5. Actual Worker's Compensation rating. | |

| | | hy you believe you do not require first aid trained staff on site. |
|----------|--|--|
| - | you have dangerous equipme would not have at home)? □ Yes □ No | If no, skip to question 6-3. |
| a. H | ow many employees use this | equipment? |
| b. D | o you have a training program □ Yes □ No | m to demonstrate how to use this equipment? |
| c. Ti | ime of day when is the equip | ment used |
| | Is medical service available ☐ Yes ☐ No | e during these hours? |
| | - | equipment used? The higher the number, the more you will need to justify ained staff |
| e. A | re these appliances equipped ☐ Yes ☐ No | d with guards and/or emergency off switches? |
| f. De | escribe why you believe the ι | ise of dangerous equipment does not warrant first aid trained staff on site |
| | | |
| extremes | | hazardous exposures: chemicals, flammable liquids, temperature ed tools, high voltage electricity, confined spaces? If no, skip to section 7. |
| a. H | ow many employees are exp | osed to these hazards? |
| b. D | o you have a training program □ Yes □ No | n to demonstrate how to prevent these hazards? |
| c. W | /hat time of day are these ha | zards present? |
| d. Is | medical service available du ☐ Yes ☐ No | ring these hours? |
| | ow many hours a day are em | aployees exposed to these hazards? The higher the number, the more you on't have first-aid trained staff. |
| f. De | escribe why you believe the ι | se of hazardous chemicals does not warrant first aid trained staff on site? |
| - | | |

| Section 7- Implementation of Plan 7-1. How is the first aid plan communicated to employees? | |
|---|--|
| | |
| | |
| | |
| 7-2. How often is the plan reviewed with employees? | |
| | |
| | |
| Other Comments | |
| | |
| | |
| | |
| Signature of Reviewer: | |
| Date: | |
| | |

Rev. 1/4/17



Cooling Down Foods - Tracking Chart

Cooling Food

- Cooling time starts at 135°F. Food may be left at room temperature until it drops to 135°F.
- Cool from 135°F to 70°F in 2 hours, then from 70°F to 41°F in 4 hours.
- If the temperature is more than 70°F in 2 hours, reheat to 165°F and start over.
- Reheating can only be done one time.
- Once at 70°F, cool down to 41°F in 4 hours.
- Once at 41°F, it's ready to be covered, labeled, dated, and stored in the

Tips for Speeding up the Cooling Process

- Use the ice bath method by placing a smaller pan of food inside a larger pan filled with half ice and half water, stirring frequently.
- · Use ice paddle with frequent stirring.
- · Add ice as part of the ingredient.
- Place pan in coolest part of the refrigerator loosely covered or uncovered.
- · Divide large food quantities into smaller portions
- Spread thick foods into thin layers and place in refrigerator.
- · Use of metal pans is preferred, as they cool food faster than plastic.

| • To | Total cooling time cannot exceed 6 hours or food must be discarded. | | | | | | | | | | | | |
|--------------------|---|-------------------------|-----------------|------------------|--------------------------------------|------------------|------------------|------------------|------------------|------------------------------|------------------------|----------|---------------------------|
| Date | Food | Start Time & Temp | After 1 Hour | After 2 Hours | 135°F to 70°F in 2 hours? | After 3 Hours | After 4 Hours | After 5 Hours | After 6 Hours | 70°F to 41°F in 4 hours? | Corrective Actions? | Employee | Verified By Manager |
| Example: 1/1/10 | Beef Stew | 8 am 135°F | 9am 100°F | 10am 70°F | If Yes, continue If No, Reheat | 11am 60°F | 12pm 50°F | 1pm 45°F | 2pm 38°F | Yes Cover, Label, Date | No | AB | CD |
| | | | | | | | | | | | | | |
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Cooking Temperature Log

Handbook for Excellent Restaurant Operations

Cooking Temperature Log

| Comminuted and Ground Meat 155°F Injected or Mechanically Tenderized Meat 155°F Stuffed Food 165°F Raw Eggs (for immediate service) 145°F Reheat of Food Made on Site for Hot Holding 165°F Fruit, Vegetables and Grains Cooked for Hot Holding 135°F Holding | Date | Food Item | Intern Tempera | | Corrective Action | mployee Initial |
|---|----------------------------------|-----------|-------------------|--|-------------------|--------------------|
| Poultry 165°F Fish, Seafood and Whole Muscle Meat 145°F Comminuted and Ground Meat 155°F Injected or Mechanically Tenderized Meat 155°F Comminuted Fish 155°F Stuffed Food 165°F Raw Eggs (for immediate service) 145°F Reheat of Food Made on Site for Hot Holding 165°F Fruit, Vegetables and Grains Cooked for Hot Holding 135°F | | | | | | |
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| Poultry 165°F Fish, Seafood and Whole Muscle Meat 145°F Comminuted and Ground Meat 155°F Injected or Mechanically Tenderized Meat 155°F Comminuted Fish 155°F Stuffed Food 165°F Raw Eggs (for immediate service) 145°F Reheat of Food Made on Site for Hot Holding 165°F Fruit, Vegetables and Grains Cooked for Hot Holding 135°F | | | | | | |
| Comminuted and Ground Meat 155°F Injected or Mechanically Tenderized Meat 155°F Stuffed Food 165°F Raw Eggs (for immediate service) 145°F Reheat of Food Made on Site for Hot Holding 165°F Raw Eggs (held for service) 155°F Fruit, Vegetables and Grains Cooked for Hot Holding 135°F | | Minim | um Cookin | g Tem | peratures* | |
| Comminuted Fish 155°F Stuffed Food 165°F Raw Eggs (for immediate service) 145°F Reheat of Food Made on Site for Hot Holding 165°F Raw Eggs (held for service) 155°F Fruit, Vegetables and Grains Cooked for Hot Holding | Poultry | Poultry | | Fish, Seafood and Whole Muscle Meat | | 145°F |
| Raw Eggs (for immediate service) 145°F Reheat of Food Made on Site for Hot Holding 165°F Fruit, Vegetables and Grains Cooked for Hot Holding 135°F | Comminuted and Ground Meat | | 155°F | Injected or Mechanically Tenderized Meat | | 155°F |
| Raw Eggs (held for service) 155°F Fruit, Vegetables and Grains Cooked for Hot Holding 135°F | Comminuted Fish | | 155°F | Stuffed Food | | 165°F |
| Raw Eggs (held for service) 155°F Fruit, Vegetables and Grains Cooked for Hot Holding 135°F | Raw Eggs (for immediate service) | | 145°F | | | 165°F |
| | Raw Eggs (held for service) | | 155°F | | | 135°F |
| | 145°F | | | | | |

| *Foods must be cooked to minimum temperatures for at least 15 | seconds. |
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Hot Holding Food Temperature Log

| Date | Time | Food Item | Temperature | Corrective Action | Employee Initial |
|------|------|-----------|-------------|-------------------|---------------------|
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Minimum Hot Holding Temperature 135°F ±2°F

- If the food temperature is less than 135°F notify a manager or supervisor.
- If out of temperature for less than 2 hours the food may be rapidly reheated to 165°F (one time only).

| Reviewed | By: | |
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Refrigerator Temperature Log

Handbook for Excellent Restaurant Operations

Refrigerator Temperature Log

| Month | 20 |
|-------------------------------|----|
| Refrigerator - Name/ Location | / |

| Date | Time AM/PM | Temperature | Recorded By | Corrective Action |
|------|------------|-------------|-------------|-------------------|
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Maintains Food at 41°F ±2°F or Colder

- If the temperature is above 41°F notify a manager or supervisor immediately.
- Corrective action must be noted if the temperature is above 41°F.

Reviewed by: _____



