

Restaurant Association of Maryland

COVID-19 FAQs

1. Does the Governor's latest [Executive Order](#) (issued 3/23/20) requiring all non-essential businesses to close also apply to restaurants?

No. Restaurants are prohibited from allowing on-premise dining, but may continue to offer carryout, drive-thru and delivery. See "Note" under part 2, i, xi of the [Interpretive Guidance](#) document that allows restaurants to continue carryout, drive-thru and delivery sales.

Note: Restaurants providing carryout service should follow any [social-distancing](#) recommendations of the Maryland Department of Health. RAM suggests restricting the number of carryout customers that are permitted to gather inside your pickup areas via signage, distance markings or staff assistance.

2. Does the restriction on gatherings of no more than 10 people also apply to restaurant employees?

The Maryland Department of Commerce has provided clarification about Restaurant and Bar employees on the [FAQ page](#) of their website:

***Restaurants and Bars:** The maximum gathering size restriction on gatherings of individuals (currently 10) referred to in the Executive Order does not apply to the numbers of employees who are working at restaurants and bars that sell food or beverages for carry-out, drive-through, or delivery. Those food service establishments should however follow any [social-distancing](#) recommendations of the Maryland Department of Health to avoid the spread of the virus.*

3. Has the State Health Department issued any COVID-19 Food Safety Guidance?

Yes. You can find State Health Department guidance [Here](#).

Note: We have received questions about guidance that the Anne Arundel County Health Department sent out to restaurants on 3/19/20 that encouraged restaurants to switch to credit card-only payments to avoid handling cash. We have been advised by the State Health Department that this was only a recommendation, not a requirement.

4. Where can I find COVID-19 information and resources for employers and employees?

The [Maryland Business Express](#) website is the State landing page for ALL related information/resources and is organized by subject matter.

5. How should Unemployment Insurance (UI) claims be filed for laid off employees?

COVID-19 related UI FAQs can be found [Here](#).

Additional COVID-19 related UI information for employers can be found [Here](#).

6. Will tips previously earned by tipped employees be included in calculating their weekly UI benefit?

Tips that employers include in quarterly employee wage reports filed with the Division of Unemployment Insurance are part of the earnings used to determine the employee's UI benefits.

7. My laid off employees are asking whether they can be paid for any unused Maryland sick/safe leave law accrued time while laid off, or not scheduled to work because of business closure or limited operations during the State of Emergency?

Under [Maryland's Sick and Safe Leave Law](#), employees can use accrued leave time for any scheduled shifts/work hours for reasons provided under the law. If an employee is not scheduled to work because the business is closed or under limited operations, paid sick/safe leave would not apply. Also, Maryland's sick/safe leave law does not require employers to pay employees for unused sick/safe leave during layoffs or for reasons other than those provided under the law.

8. Should my business apply for an [SBA Economic Injury Disaster Loan \(EIDL\)](#), the new [Maryland business relief funds](#) recently announced by Governor Hogan, or wait for the federal relief package currently under consideration by Congress?

RAM has consulted with outside firms on this issue and we are all in agreement that there is not enough information available to answer this question right now. Please understand that restaurants in Maryland are not alone, and that businesses across the country are asking these same questions and are waiting for clarification from our governments.

Until Congress passes their federal Relief package and the specifics are released, no one can say with certainty if any option is better than another. RAM is also concerned that accepting one form of relief may unknowingly reduce your opportunity to take advantage of other relief options.

Therefore, it is RAM's recommendation that restaurants remain patient and wait for all of the relief information to be made available. Once this happens, professionals from across the State will be able to determine what each relief opportunity looks like and share the pros and cons of each. With this data you will be able to make an educated decision about what will be best for your business.

9. Are restaurants required to pay full minimum wage to tipped employees who are currently working to serve carryout, delivery and curbside customers?

According to federal, State and local minimum wage laws, if tipped employees do not make enough in employer-paid cash wages plus tips to earn at least the full applicable minimum wage per hour for the workweek, the employer must make up any shortfalls. This includes the current period of limited carryout and delivery operations. Employers MUST ensure that employees continue to earn at least the full applicable minimum wage per hour for the workweek. It may be best to simply pay any tipped employees at least the full applicable minimum wage (without factoring in a tip credit) during this time. Any overtime pay requirements would also apply.

10. Can I use my restaurant staff for food/beverage deliveries?

You should check with your commercial liability insurance provider and your workers' compensation insurance provider regarding coverage for your staff and any vehicles that may be used to make deliveries during this period of limited operations. You may also apply for [State of Maryland Layoff Aversion Grant Funds](#) to help qualifying restaurants pay for additional liability insurance for providing delivery while under the State of Emergency.

11. What do I need to do to sell alcoholic beverages with my carryout & delivery?

Although the Governor issued an [Executive Order](#) for alcohol carryout/delivery, the County Liquor Boards still have some control of the process. Please note that every County will be different. Some Counties will require a simple registration process, others may only make a pronouncement with no registration or action required by the restaurant.

Contact your local Liquor Board or look for clarification on their websites. Some Liquor Boards are emailing licensees about this. Others are providing related information on the websites, which may be revised as needed. Montgomery County, for example, recently revised their previous restriction of only beer/wine for carryout/delivery to now include spirits (mixed drinks in sealed containers) also. See revised Montgomery County compliance information [Here](#).

Local Liquor Board Website Links (check periodically for any revisions/updates to the rules/restrictions):

[Allegany County](#) Board of License Commissioners
[City of Annapolis](#) Alcoholic Beverage Control Board
[Anne Arundel County](#) Board of License Commissioners
[Baltimore City](#) Liquor License Board
[Baltimore County](#) Board of Liquor License Commissioners
[Calvert County](#) Board of License Commissioners
[Caroline County](#) Board of License Commissioners
[Carroll County](#) Board of License Commissioners
[Cecil County](#) Board of License Commissioners
[Charles County](#) Board of License Commissioners
[Dorchester County](#) Board of License Commissioners
[Frederick County](#) Board of License Commissioners
[Garrett County](#) Board of License Commissioners
[Harford County](#) Liquor Control Board
[Howard County](#) Board of License Commissioners
[Kent County](#) Board of License Commissioners
[Montgomery County](#) Alcoholic Beverage Services
[Prince George's County](#) Board of License Commissioners
[Queen Anne's](#) County Board of License Commissioners
[Somerset County](#) Board of License Commissioners
[St. Mary's County](#) Alcohol Beverage Board
[Talbot County](#) Board of Liquor License Commissioners
[Washington](#) County Liquor Board
[Wicomico](#) County Board of License Commissioners
[Worcester](#) County Liquor Control

12. Has Maryland extended deadlines for filing and remitting business taxes (sales tax, admissions & amusement tax, etc.), income and other taxes due to the COVID-19 State of Emergency?

*The Comptroller's office has extended the deadline for filing/remitting sales tax for sales made in February, March and April to June 1st without interest or penalties. You may need to **Turn Off** or **Suspend** any scheduled automatic payment transfers that would occur before the new June 1st due date (and resume any regular payment schedule after this date, unless otherwise advised). Businesses that paid their Maryland sales tax for March early may request a refund of their payment by emailing taxpayerrelief@marylandtaxes.gov or by calling 410-260-4020.*

Consistent with the extended IRS deadline for filing 2019 income tax returns until July 15, 2020, Maryland has also extended its 2019 income tax filing deadline until July 15, 2020. More specific information about Maryland's extended tax filing deadlines can be found [Here](#).

13. Has the State Department of Assessments and Taxation (SDAT) also delayed the business filing deadline for submitting the Annual Report and Personal Property Tax Return?

SDAT recently posted a notice on its Business Personal Property [webpage](#) advising that Requests for a Filing Extension must be received by April 15th. Instructions for filing the Extension Request can be found [Here](#).

14. Has Maryland extended deadlines for renewing any expiring licenses, permits, registrations or other authorizations?

Yes. By [Executive Order](#), all licenses, permits, registrations, and other authorizations issued by the State, its agencies or any political subdivision that would expire during the current State of Emergency will be extended until the 30th day after the State of Emergency is lifted. This also includes liquor licenses and foodservice facility licenses.

15. Where can restaurant/foodservice employees and their families find a local food pantry to help if needed?

Food Insecurity is nothing to be ashamed of. A loss of employment, reduction of working hours, or just not having the resources to get by for a few weeks can happen to anyone at any time. Every local food pantry treats people with respect and with sensitivity to your privacy. Encourage those who need help to visit their local food pantry.

Employees can find their closest food pantry in Maryland by searching here: <https://mdfoodbank.org/find-food/>

Employees in Montgomery and Prince George's County should search here: <https://www.capitalareafoodbank.org/find-food-assistance/>

16. Are there any protections against residential evictions or interruption of residential utilities/services and late fees for employees who may be suffering a loss of income due to COVID-19?

Yes. Governor Hogan has also issued an [Executive Order](#) temporarily prohibiting such evictions, along with an [Executive Order](#) also prohibiting termination of residential services and late fees.

17. Should I be documenting business losses during this period for any reason?

Given the uncertain details of the relief package that will ultimately be passed by Congress, and any additional federal, State and local relief (or related [business interruption insurance](#) issues), businesses are advised to document related losses for any applicable future use.

Additional information about *COVID-19 in Maryland, Latest News from Governor Hogan, and the Hogan Administration's COVID-19 A-to-Z Resource Guide* can be found at [Maryland Unites](#).