

May 22, 2020

The Road Back' from COVID-19 - Reopening NJ Businesses

On Monday, May 18, Governor Phil Murphy unveiled a three-stage plan to reopen New Jersey. Titled "[The Road Back: Restoring Economic Health Through Public Health](#)," the Governor's plan provides for the gradual reopening of businesses and activities throughout New Jersey. Stage One of the plan relaxes restrictions on "low-risk" businesses and activities, including parks, beaches, non-essential construction, curb-side retail, drive-in activities and elective surgeries. As discussed in more detail below, Stage One started on May 13. Stage Two of the plan relaxes restrictions on "moderate-risk" businesses and activities that can be "easily safeguarded." This includes limited work activities at brick-and-mortar locations, restaurants with outdoor dining and possibly limited-capacity indoor dining, limited personal care businesses (e.g., hairdressers, nail salons, gyms), libraries, museums, and limited child care, summer school and summer camps. The Governor has stated that he expects to roll out Stage Two over the next few weeks (i.e. June). Stage Three of the plan relaxes restrictions on "higher-contact" activities. This includes most work activities at brick-and-mortar locations, bars and restaurants with limited indoor capacity, childcare, day and summer camps, and schools. The Governor has not announced when Stage Three will occur. As mentioned above, over the past two weeks, Governor Murphy implemented Stage One of The Road Back. He did this through the following Executive Orders:

- [Executive Order No. 142](#), dated May 13, allowed all essential and non-essential construction projects to immediately resume and all non-essential retail businesses to immediately reopen to the public for curbside pickup. It also allowed public gatherings of 10 or more persons where all participants stay in their vehicles, starting at 6:00 a.m. on May 18.
- [Executive Order No. 143](#), dated May 14, allowed the opening of all private and public beaches, boardwalks, lakes, lakeshores, piers, docks, wharfs, boat ramps and landings, starting at 6:00 a.m. on May 15.
- [Executive Order No. 145](#), dated May 15, allowed the immediate resumption of elective surgeries and invasive procedures, whether medical or dental, contingent on these businesses adopting policies that safeguard patients as outlined in this Order.
- [Executive Order No. 146](#), dated May 16, allowed the opening of charter fishing services and vessels and the rental of water craft, starting at 6:00 a.m. on May 17.
- [Executive Order No. 147](#), dated May 18, allowed the opening of tennis clubs, batting cages, golf driving ranges, archery and shooting ranges, horseback riding stables and community gardens, starting at 6:00 a.m. on May 22. This Order also allowed for the opening of golf courses, starting at 6:00 a.m. on May 19.

Each of the Stage One Executive Orders sets forth protocols, safeguards and restrictions that must be adopted and implemented prior to reopening. While some of these mandates are specific to a type of business or activity, there are general protocols that apply to all reopening businesses. These include staggered work start and end times and break times, six-feet social distancing, protocols to separate and send home workers with COVID-19 symptoms, requirements for employer-provided masks for employees, physical barriers between employees and the public, capacity limitations (both for employees and the public) in brick-and-mortar locations, and frequent sanitization of facilities. Further, on May 22, in advance of the Memorial Day weekend, Governor Murphy announced an increase in allowable capacity from 10 to 25 individuals for businesses with outdoor activities, such as charter and fishing boats, batting cages and driving ranges. It is important for businesses to review each Executive Order to determine the specific mandates required for their business or activity to reopen. A number of the Stage One Executive Orders refer to and incorporate provisions of other Executive Orders. It is important that businesses understand how these Executive Orders interplay and may impact their reopening plans. Some

Executive Orders also acknowledge the discretion of the State Director of Emergency Management, the Department of Health, and/or the Division of Consumer Affairs to issue clarifications, exclusions and amendments to the Order, and require businesses to comply with any protocols or restrictions published by these governmental entities as well. Day Pitney can assist businesses with any issues relating to COVID-19 laws and regulations, including the Governor's three-stage plan, Stage One Executive Orders, and developing and implementing a reopening plan. For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our [COVID-19 Resource Center](#).

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