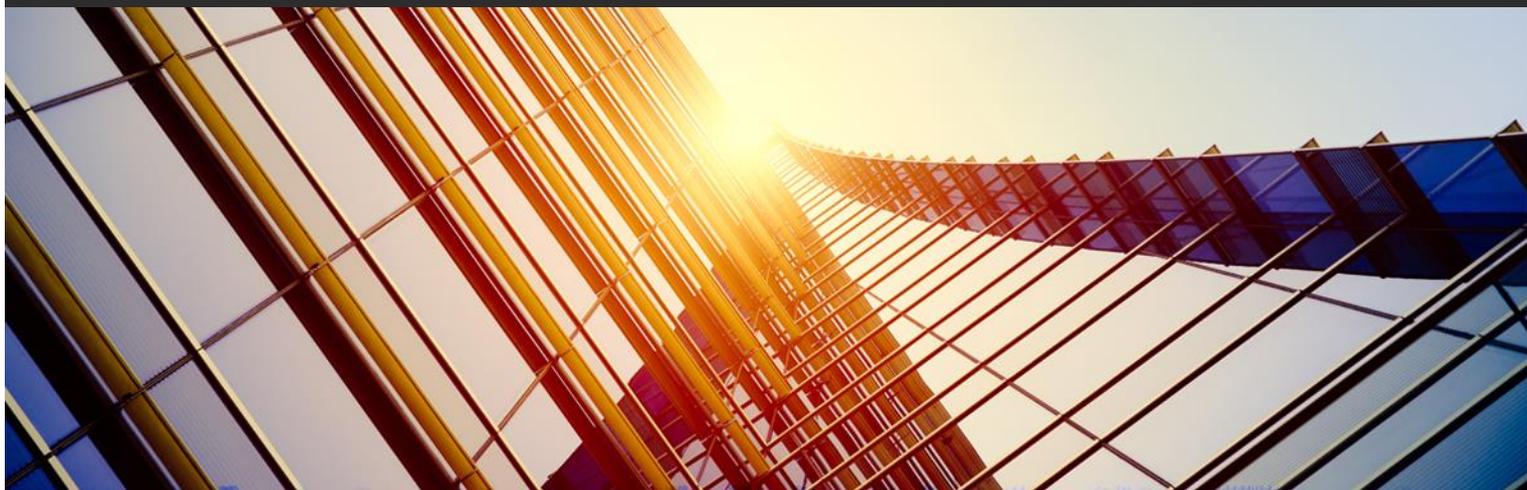


**Alert | Health Emergency Preparedness Task Force:
COVID-19 – Reopening the Economy**



May 15, 2020

New Jersey to Permit Curbside Pickup at Non-Essential Retail Businesses, Non-Essential Construction, and Gatherings in Cars

On May 13, 2020, in a step towards reopening New Jersey’s economy during the COVID-19 pandemic, Gov. Phil Murphy signed [Executive Order No. 142](#), which among other things (i) permits “non-essential” retail businesses to operate on a “curbside pickup” basis, and (ii) lifts the ban on non-essential construction projects. Executive Order No. 142 modifies earlier Executive Orders, including No. 107 (New Jersey’s current “Shelter-in-Place” Order), and No. 122. *See* GT Alert, “[Effective April 10, New Jersey Imposes Operational Requirements on Essential Retail and Other Businesses, Closes Non-Essential Construction Projects.](#)”

Curbside Pickup Requirements for Non-Essential Retail – Effective Monday, May 18

Although non-essential retail businesses must continue to keep in-store operations closed, they may (as of May 18) offer curbside delivery service. Executive Order 142 details numerous operational guidelines retail businesses that choose to reopen must generally follow, such as:

- Limiting workforce attendance to those employees responsible for curbside delivery operations;
- Handling customer transactions in advance by phone/fax/email to avoid person-to-person contact;

- Requiring customers to remain in their cars until staff delivers their purchases, preferably directly into their car “avoiding person-to-person contact”; and
- Complying with social distancing and mitigation practices outlined in previous Executive Orders, including requiring workers to wear face coverings when in contact with other workers or customers and gloves when in contact with goods or customers. (As before, “Businesses must provide, at their expense, such face coverings and gloves for their employees.”)

Non-Essential Construction Permitted – Effective Monday, May 18

Executive Order No. 142 also permits non-essential construction projects to resume. This does not affect the continuing operation of what the governor previously considered “essential” construction projects, which generally included hospital and health care-related projects, “physical infrastructure” projects (such as roads, mass transit, and ports), utility projects, select housing and educational projects, and other “projects necessary for the delivery of essential social services.”

All businesses engaged in construction projects must comply with social distancing, safety, and sanitization requirements. To do so, they must adopt numerous policies, including, but not limited to: (i) prohibiting non-essential visitors from entering the worksite; (ii) limiting worksite meetings to fewer than 10 individuals; (iii) staggering work start and stop times, and lunch breaks, where practicable; (iv) providing face coverings or masks to their employees; (v) requiring infection-control practices, such as regular hand washing, coughing, and sneezing etiquette; (vi) limiting tool-sharing; and (vii) requiring “frequent sanitization of high touch areas like restrooms, breakrooms, equipment, and machinery.”

If a visitor refuses to wear a face covering for non-medical reasons, “then the business must decline entry to the individual.” If, however, the individual claims to have a medical condition precluding the wearing of a face covering, “neither the business nor its staff shall require the individual to produce medical documentation verifying the stated condition.”

Business must also “[p]lace conspicuous signage at entrances and throughout the worksite” detailing the Order’s “mandates.”

Car Gatherings Permitted – Effective Immediately

Executive Order 142 also announced car gatherings do not violate the existing ban on gatherings under Executive Order 107. Car gatherings such as drive-in movies, religious services, or drive-through farms or safaris are now permitted, provided they comply with the following restrictions:

- Participants must remain in their car unless they need to leave it “for their health or safety” or to use the restroom;
- The car must remain closed at all times unless six feet of distance between other vehicles is maintained, an officer or guard requires the car to open, or there is health or safety reason;
- Individuals organizing the gatherings must comply with social distancing and wear face coverings;
- To the extent a gathering seeks donations or other payments, collection methods must be contactless wherever feasible.

For more information and updates on the developing situation, visit [GT's Health Emergency Preparedness Task Force: Coronavirus Disease 2019](#).

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