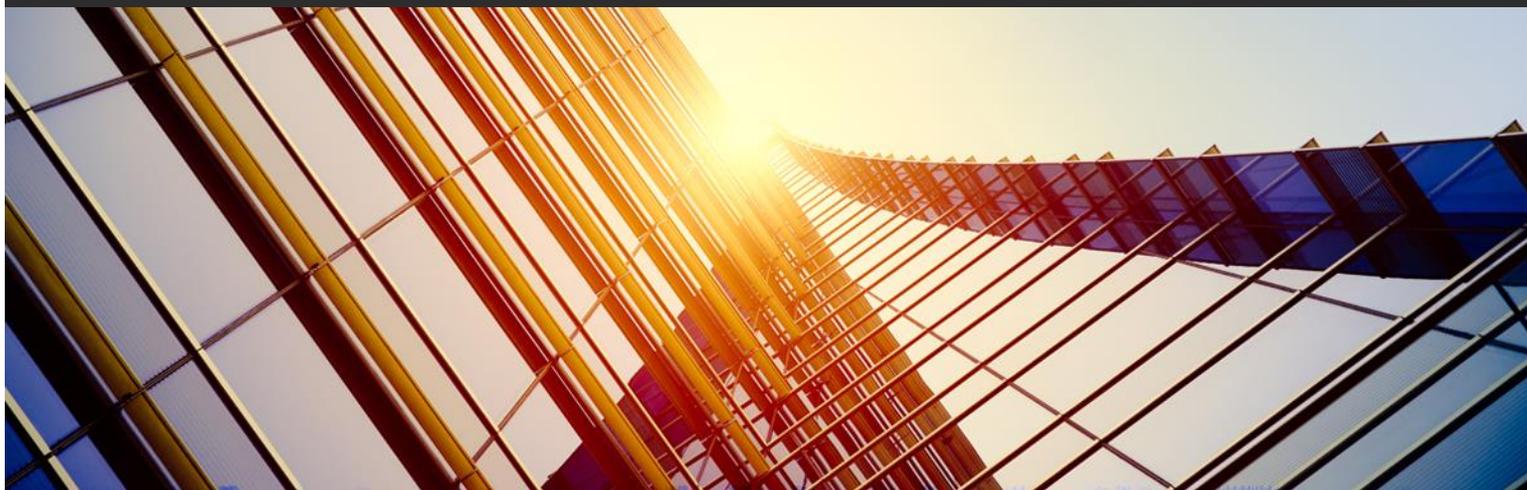


**Alert | Health Emergency Preparedness Task Force:
Business Continuity Amid COVID-19**



May 2021

NJ Governor Issues Sweeping Executive Order Lifting Masking and Social Distancing Requirements for Fully Vaccinated Individuals, With Exceptions

On May 24, New Jersey Gov. Murphy issued [executive order \(EO\) No. 242](#), a sweeping EO that lifts significant COVID-19 restrictions and adopts other measures in a two-phased approach aimed at reopening the state – some restrictions to lift May 28 and others June 4. Notwithstanding the weighty nature of these latest steps, masks and social distancing requirements remain in place at many locations, including corporate offices, schools, public transportation, and health care settings, and employers and businesses retain the authority to adopt more stringent measures. The governor reported that New Jersey’s ability to reach key COVID-19 benchmarks, including a sizable increase in vaccinations, coupled with significant decreases in COVID-19 cases and rates of transmission, formed the necessary prelude to taking these steps forward.

On May 26, the governor issued [EO No. 243](#), offering employers even greater flexibility. Effective June 4, employers may allow employees who can verify that they have been vaccinated to forego masking and social distancing. Even more, the governor is rescinding prior requirements that companies reduce on-site staff to the minimal necessary and require those who can work from home to do so. The goal of these latest orders, as the governor [described on his Twitter feed](#), is to allow employers, especially those in office settings, to return to “normal operating practices.” Employer must still, however, follow applicable

requirements of [EO No. 192](#), which include health screenings of employees upon entering the worksite and notifying employees of on-site exposure.

Note that individuals who have not yet been fully vaccinated – defined as occurring two weeks after receiving the second of a two-dose vaccine (Pfizer or Moderna), or two weeks after a single shot regimen (Johnson & Johnson) – are encouraged to continue wearing masks and social distancing consistent with the latest CDC guidance. This direction is articulated as an encouragement rather than a requirement because “without knowing an individual’s vaccination status it is not practicable to continue mandating such practices for a portion of the population.” This GT Alert summarizes the latest changes.

New Jersey to Lift Masking and Social Distancing Restrictions on May 28, 2021

- Effective May 28, 2021, New Jersey will no longer require masks to be worn in “indoor public spaces.” Significantly, corporate offices and similar non-public businesses – defined as “indoor worksites of employers [. . .] that do not open their indoor spaces to the public for purposes of sale of goods, attendance at an event or activity, or provision of services” – are excluded from this new rule. In such environments, the current rule set forth in [EO No. 192](#) remains in effect: masks may be removed only if employees are properly distanced at their workstations or in their own offices, or other limited exceptions apply.
- Social distancing requirements will be lifted in retail stores, gyms, salons and similar personal care services locations, as well as recreational and entertainment businesses and casinos.
- Social distancing requirements will also be lifted at indoor gatherings, including religious services, political activities, weddings, funerals, memorial services, commercial gatherings, catered events, sports competitions, and performances.
- Business overseeing any of these spaces will retain the discretion to require continued social distancing.
- Dance floors at bars and restaurants may reopen, and the prohibition on ordering and eating/drinking while standing at bars and restaurants will also be lifted.

Settings Where Masks Still Required

Although the EO lifts mask restrictions in New Jersey in various indoor public spaces, masks will still be required in specific settings, in accordance with CDC guidelines, as described more particularly below.

- Health care settings, including long-term care facilities and office-based settings.
- Public transportation, including planes, buses, trains, and transportation hubs such as airports and stations.
- Correctional facilities and homeless shelters.
- Childcare centers and facilities and youth summer camps.
- Schools – all public, private, and parochial preschool-program premises and elementary and secondary schools, including charter and renaissance schools.
- Public-facing state offices, such as Motor Vehicle Commission agencies.
- As mentioned above, non-public indoor worksites will continue to be governed by applicable health and safety protocols under Executive Order No. 192.

- Effective June 4, under EO No. 243, employers may allow employees who can verify that they have been vaccinated to forego masking and social distancing.

New Jersey to Lift Indoor Gathering Limits on June 4, 2021

Effective June 4, 2021, New Jersey will also eliminate various indoor gathering limits.

- The EO removes the general indoor gathering limit of 50 people, such as gatherings in private homes.
- The EO removes the 250-person limit for political gatherings, weddings, funerals, memorial services, performances, and other catered and commercial events.
- The EO removes the 30% capacity limitation for indoor large venues with fixed seating exceeding 1,000 persons.

Businesses Retain Discretion to Continue Mask and Social Distancing Requirements

Although these latest developments to lift mask and social distancing requirements throughout the state will result in significant and meaningful changes to the way we live and work in the COVID-19 era, masks and distancing are not yet “going away.” Not only do such requirements remain in place in corporate offices and public transportation, for example, but businesses retain authority to continue these measures.

For more information and updates on the developing situation, visit [GT’s Health Emergency Preparedness Task Force: Coronavirus Disease 2019](#) and [Business Continuity Amid COVID-19](#) page.

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