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Governor Phil Murphy Issues Executive Order 122, Imposing Restrictions on Manufacturing, Warehousing and Construction Businesses During COVID-19 Public Health Emergency

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On April 8, 2020, Governor Phil Murphy issued [New Jersey Executive Order No. 122](#) (the Order), which contains specific provisions regarding ongoing operations of any business. We focus this alert on certain aspects of the Order, specifically, for those involved in construction, manufacturing and warehousing businesses.

Policies for Ongoing Operations during COVID-19

The Order shuts down all non-essential construction projects at 8:00 pm on April 10, 2020, and imposes new restrictions on “essential construction projects.”

Warehousing and manufacturing businesses as well as businesses performing essential construction projects must adopt new policies and procedures. These are summarized below:

1. No visitors
2. Meetings cannot involve more than 9 people
3. Everyone must be at least 6 feet apart “wherever possible”
4. Stagger work times “where practicable” to limit those who simultaneously enter or leave together
5. Stagger lunch breaks and work times “where practicable”
6. Restrict the number of those who can access common areas at once (such as restrooms and breakrooms)
7. Require masks and gloves
8. Require infection control practices such as hand-washing, coughing and sneezing etiquette, and proper tissue usage and disposal
9. Limit sharing of tools, equipment and machinery
10. Provide sanitizer or wipes (or other sanitization materials)
11. Frequently sanitize high-touch areas such as restrooms, breakrooms, equipment, and machinery

Policies Governing Exposure to COVID-19 and Maintaining In-Person Operations

These businesses must also adopt policies that address what occurs at the workplace if there is an exposure to COVID-19. These policies must be implemented regardless of whether a workplace has already experienced an exposure. These policies require:

- Immediate separation and send home workers who have symptoms consistent with COVID-19
- Prompt notification to workers as to any known exposure to COVID-19 at the worksite
- Sanitize worksite in accordance to CDC guidelines

Additionally, businesses authorized to maintain in-person operations pursuant to Executive Order No. 107 (and subsequent orders) as well as owners of commercial and industrial buildings are required to adopt policies that require them to:

- Clean and disinfect high-touch common areas
- Maintain cleaning procedures in all other areas of the worksite/facility
- Ensure the facility has sufficient staff to perform the cleaning protocols and in a manner that is consistent with the safety of occupants, visitors and workers

If you have any questions about your operations with respect to Executive Order No. 122, please contact [Willard C. Shih](mailto:wshih@wilentz.com) at 732.855.6016 or wshih@wilentz.com.

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