

Client Alert

Non-Essential Construction Permitted to Resume in NJ on May 18

On May 12, Governor Murphy signed Executive Order No. 142 which allows the physical operations of non-essential construction projects to resume in New Jersey, effective as of 6:00 a.m. on Monday, May 18. The Governor's action comes approximately one month after non-essential construction was shut down on April 10 in response to the COVID-19 public health emergency.

All construction projects in New Jersey, whether designated as "essential" or "non-essential," are now required to comply with certain minimum requirements relating to social distancing, safety and cleanliness. In particular, the Order specifies that the following requirements must be satisfied at construction worksites:

- all non-essential visitors are prohibited from entering the worksite;
- all persons picking up or delivering equipment or materials must engage in appropriate social distancing;
- worksite meetings and workgroups must be limited to fewer than ten (10) individuals;
- individuals on-site are required to maintain six (6) feet or more distance between them when possible;
- businesses are required to stagger start and stop times of workers, where practicable, to limit the number of individuals entering and leaving the worksite concurrently;
- businesses are required to limit the number of individuals who can access certain congested/high-risk areas at one time (such as lunchrooms, breakrooms, portable rest rooms and elevators);

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- business must stagger lunch breaks and work times, where practicable, to enable construction operations to continue in a safe manner while utilizing the least number of individuals on-site as possible;
- workers and visitors are required to wear cloth face coverings, as recommended by the CDC (except where doing so would inhibit the individual's health). In addition, workers are required to wear gloves on-site. Businesses must provide at their expense such masks and gloves for employees;
- mandate and implement infection control practices, such as regular hand washing, and following proper etiquette with coughing and sneezing;
- limit sharing of tools, equipment and machinery;
- provide portable washing stations with soap and/or alcohol-based hand sanitizers;
- conduct frequent cleaning of high-touch areas such as restrooms, breakrooms, equipment and machinery;
- workers engaging in construction work in an occupied residence are required to sanitize work areas and keep a distance of at least six (6) feet from the occupants; and
- businesses are required to post conspicuous signs at entrances and throughout the worksite detailing the requirements of the Order, as specified above.

The Order provides that the State Director of Emergency Management shall have the discretion to make additions, amendments, clarifications, exceptions and exclusions to the terms of the Order. In addition, the Order specifies that no municipality, county, or any other State agency shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with, interfere with or impede the achievement of the Order. The Order remains in effect until revoked or modified by the Governor. To the extent any provisions are modified, we will update this Alert as warranted.

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