A message from NJMEP CEO, John W. Kennedy....

This input came from my own viewing of the documents and confirming with Lawyers Alan Zakin, Sal Anderton, & Eric Probst from Porzio Law. I also confirmed with NJ-BAC, NJBIA, CIANJ, and others last night. It does not appear to put any additional restrictions on MFG/TLD firms, but does provide some added input regarding ‘distancing and clean-up’.

Again appreciate key members of the MFG Caucus for continuing to step up to support us.

As NJMEP always suggests… it is always a plus to speak with your own lawyers, but if you do not have a ready source...Alan, Sal & Eric can be reached. They have been supporting NJMEP and you all at no cost during this crisis, but I know that is not a sustainable business model. If you engage them…do the right thing.

I always kid Alan about being a Lawyer, but these (3) have changed my mind (for now?!?).

- Alan Zakin: alan@alanzakin.com
- Eric Probst: elprobst@pbnlaw.com
- Sal Anderton: SMAnderton@pbnlaw.com

Stand up, guys...

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Governor Executive Order #122 of April 8, 2020

Pages 9 to 11 - Verbatim

Manufacturing businesses, warehousing businesses, and businesses engaged in essential construction projects must adopt policies that include, at minimum, the following requirements: a. Prohibit non-essential visitors from entering the worksite; b. Limit worksite meetings, inductions, and workgroups to groups of fewer than ten
individuals; c. Require individuals to maintain six feet or more distance between them wherever possible; d. Stagger work start and stop times where practicable to limit the number of individuals entering and leaving the worksite concurrently;

- Stagger lunch breaks and work times where practicable to enable operations to safely continue while utilizing the least number of individuals possible at the site;
- Restrict the number of individuals who can access common areas, such as restrooms and breakrooms, concurrently;
- Require workers and visitors to wear cloth face coverings, in accordance with CDC recommendations, while on the premises, except where doing so would inhibit the individual's health or the individual is under two years of age, and require workers to wear gloves while on the premises.
- Businesses must provide, at their expense, such face coverings and gloves for their employees. If a visitor refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point of entry, then the business must decline entry to the individual.
  Nothing in the stated policy should prevent workers or visitors from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the businesses are otherwise required to provide such worker with more protective equipment due to the nature of the work involved.
- Where an individual declines to wear a face-covering on the premises due to a medical condition that inhibits such usage, neither the business nor its staff shall require the individual to produce medical documentation verifying the stated condition;
- Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- Limit sharing of tools, equipment, and machinery;
- Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to workers and visitors; and
- Require frequent sanitization of high-touch areas like restrooms, breakrooms, equipment, and machinery.

All essential retail businesses, warehousing businesses, manufacturing businesses, and businesses performing essential construction projects must also adopt policies that include, at minimum, the following requirements:
● Immediately separate and send home workers who appear to have symptoms consistent with COVID-19 illness upon arrival at work or who become sick during the day;
● Promptly notify workers of any known exposure to COVID-19 at the worksite, consistent with the confidentiality requirements of the Americans with Disabilities Act and any other applicable laws;
● Clean and disinfect the worksite in accordance with CDC guidelines when a worker at the site has been diagnosed with COVID-19 illness; and
● Continue to follow guidelines and directives issued by the New Jersey Department of Health, the CDC and the Occupational Health and Safety Administration, as applicable, for maintaining a clean, safe and healthy work environment.

**Governor Executive Order #122 of April 8, 2020**

**Construction Projects – Exempt from Closure Pages 7 to 9**

*Non-essential construction projects must cease,* effective Friday, April 10, 2020, at 8 p.m.

*If your business is conducting construction deemed essential, that construction may continue;* these construction projects include:

- Projects for health care, including hospitals and health care facilities;
- Transportation projects, including roads, bridges, and physical infrastructure;
- **Utility projects;**
- Residential projects that are exclusively affordable housing;
- Projects involving K-12 schools in Schools Development Authority districts and higher education facilities;
- Projects already underway at a single-family home with a construction crew of 5 or fewer;
- Projects already underway involving a residential unit which a tenant or buyer has legally agreed to occupy by a certain date, if construction is necessary for the unit's availability;
· Projects involving the manufacture, distribution, storage, or servicing of products sold by essential retail businesses;

· Data centers or facilities critical to a business’s ability to function;

· Projects for the delivery of essential social services, including homeless shelters;

· Projects supporting law enforcement or first responders;

· Projects ordered by Federal or State government.

· Any work to secure and protect a non-essential construction project for its suspension;

· Any emergency repairs necessary for the health and safety of residents.

All other construction projects must cease, effective Friday, April 10, 2020, at 8 p.m.

(Note: Bolded are areas that appear to pertain to and exempt most/all MFG/TLD Projects).

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Please Remain Safe – and – Thank You for taking the risks for all of us…

JK

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