

# New Jersey Director of Emergency Management Eases Restrictions on Certain Businesses

By Brett M. Anders, James M. McDonnell & Justin B. Cutlip

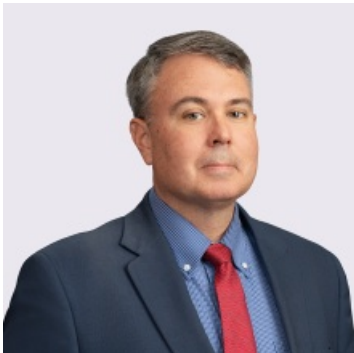
April 28, 2020

## Meet the Authors



### Brett M. Anders

Principal and Office Litigation  
Manager  
908-795-5125  
[Brett.Anders@jacksonlewis.com](mailto:Brett.Anders@jacksonlewis.com)



### James M. McDonnell

Principal  
908-795-5208  
[James.McDonnell@jacksonlewis.com](mailto:James.McDonnell@jacksonlewis.com)



### Justin B. Cutlip

The New Jersey State Director of Emergency Management has issued an Order designating additional businesses as “essential retail” and permitting auto dealerships to provide test drives and pickups of vehicles as the state’s COVID-19 statistics continue to improve. The Order marks what may be the first step in a return toward normal operations.

The Order also reiterates that, to the extent businesses, contractors, or employees have done so in violation of Executive Order 107 (see our article, [New Jersey Closes Non-Essential Retail Businesses, Directs Stay-at-Home, Sets State Response to COVID-19](#)), personal care services are closed to the public and no service may be provided in a place of business or home, except where the service is provided to a family member.

### Auto Dealerships

The Order permits consumers who purchased or ordered vehicles to test drive the vehicle at the time of pickup or before delivery. The purchase must be made online or by telephone. Any dealership involved must adopt social distancing policies in compliance with Executive Order 122. Customers must access the vehicle by themselves for the test drive. The dealership must clean and sanitize the vehicle after the test drive “if the customer does not purchase the vehicle.” Thus, the Order appears to allow test drives that do not result in a purchase.

### Additional Essential Retail

The Order permits the following to operate in a limited capacity effective immediately:

1. Pet grooming, daycare, and boarding businesses.
2. Stores that sell items necessary for religious observances and worship.

The Director of Emergency Management designated these businesses as “essential retail” operations. Nevertheless, the businesses must adopt and enforce social distancing policies as required by Executive Order 122 (see our article, [New Jersey Suspends Non-Essential Construction Projects, Requires Continuing Businesses to Implement Policies](#)).

### No In-Home Personal Care Services

As the state’s salons, barbershops, and personal care service businesses continue to be closed, the Order expressly prohibits providing these services in any facility, including homes. Indeed, such services may be provided only to a member of the provider’s own household, immediate family, “or other individuals with whom the personal care service provider has a close personal relationship, such as those for whom the personal service provider is a caretaker or romantic partner.” Long-term customers do not qualify as “close personal relationships.”

Of Counsel  
908-795-5136  
Justin.Cutlip@jacksonlewis.com

\*\*\*

## Related Services

COVID-19

Retail

Workplace Safety and Health

Any businesses permitted to operate in a limited capacity must abide by the restrictions currently in place to prevent the spread of COVID-19.

Jackson Lewis has a [dedicated team](#) tracking and responding to the developing issues facing employers as a result of COVID-19. Please contact a team member or the Jackson Lewis attorney with whom you regularly work if you have questions or need assistance.

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.