

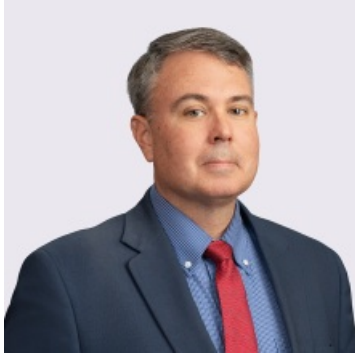
Legal Update Article

New Jersey Extends State of Emergency, Clarifies Limits on Recreational, Entertainment Activities

By James M. McDonnell & Justin B. Cutlip

May 7, 2020

Meet the Authors

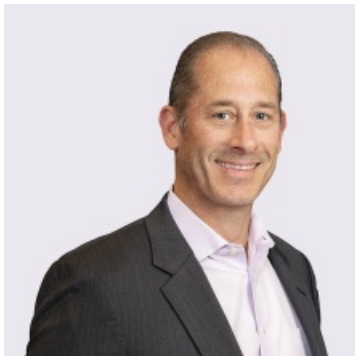


James M. McDonnell

Principal

908-795-5208

James.McDonnell@jacksonlewis.com



Justin B. Cutlip

Of Counsel

908-795-5136

Justin.Cutlip@jacksonlewis.com

Related Services

COVID-19

Disability, Leave and Health
Management

Entertainment and Media

Workplace Safety and Health

In his 37th Executive Order (EO) since the onset of the COVID-19 crisis, New Jersey Governor Phil Murphy has extended the state of emergency an additional 30 days (to June 5, 2020), citing the 130,000 positive cases, 8,244 COVID-19-related deaths, and continuing spread of COVID-19 in the state, among other reasons.

[EO 138](#) extends all [existing Executive Orders](#) that affect business operations, including, but not limited to, the following:

- EO No. 107 – directs residents to remain at-home, except under limited circumstances; closes non-essential retail businesses; and requires employers to accommodate work-from-home or telework arrangements;
- EO No. 110 – directs closure of daycare centers, except for emergency childcare centers designated by the State Department of Children and Families;
- EO No. 111 – requires healthcare facilities designated by the Office of Emergency Management to submit daily reports on capacity and supplies by 10:00 a.m. each day;
- EO No. 122 – suspends non-essential construction and requiring businesses to implement COVID-19-prevention protocols; and
- EO No. 125 – limits occupancy in public transportation and other businesses.

While not addressed in an Executive Order, the continuance of the state of emergency also delays the effective date of the amendments to the New Jersey Millville-Dallas Airmotive Plant Job Loss Notification Act, *i.e.*, the New Jersey WARN statute. ([New Jersey Revises NJ WARN, Creating Mass Layoff Exception, Delaying Severance, Notice Obligations.](#))

Moreover, the State Director of Emergency Management has issued an Administrative Order clarifying the extent of the restrictions on recreational and entertainment activities addressed in EO 107. It explained that the activities barred by the Executive Order (*e.g.*, gaming, fitness/gym related activities, shopping, movies, and personal care services) may *not* be performed within the brick-and-mortar premises of essential retail businesses that are permitted to remain open or within school facilities.

The Governor, however, also announced that the state continues to follow a path toward returning to normal business operations. Therefore, the coming weeks may bring additional easing of the restrictions in his Executive Orders, while keeping the state of emergency in effect. The extension of the state of emergency provides the Governor the authority to methodically ease the restrictions through executive order, rather than a simple expiration of all such restrictions.

Jackson Lewis attorneys will continue to apprise you of developments. 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>.