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**EXECUTIVE ORDERS 242 AND 243: NEW JERSEY LIFTS OR MODIFIES
CERTAIN COVID-19 RESTRICTIONS IN
INDOOR PUBLIC SPACES AND WORKPLACES**

Governor Murphy signed [Executive Order No. 242](#) on May 24, 2021, and [Executive Order 243 on May 26, 2021](#), as part of New Jersey’s “multi-stage Road Back Plan for the methodical and strategic reopening of businesses and activities” based on the progress made within the state against the COVID-19 pandemic. A series of prior Executive Orders have recently allowed for the lifting of restrictions regarding masking and distancing in outdoor settings, and the lifting of restrictions on indoor and outdoor gathering limits in food and beverage establishments and other entertainment facilities. Executive Order 242 has now lifted masking and spacing restrictions for “indoor public spaces” that are open to the public “for purposes of the sale of goods, attendance at an event or activity, or provision of services” as of May 28, 2021.

In Executive Order 243, Governor Murphy has clarified his prior Order on “indoor public spaces” and similarly lifted COVID-19 restrictions in certain circumstances for workplaces and businesses that are generally closed to the public and have limited visitors. More specifically, employers are advised of the following pursuant to Executive Order 243, which becomes **effective June 4, 2021**:

- Paragraphs 10 and 11 of Executive Order 107 -- which stated that all businesses or non-profits whether closed or open to the public, must accommodate their workforce for telework or work-from-home arrangements -- have been rescinded, and employers are no longer required to permit employees to work remotely as was done during the pandemic;
- Employees who are fully vaccinated against COVID-19 (*the CDC considers an individual to be fully vaccinated 2 weeks after their second dose in a two-dose series, or 2 weeks after a single-dose vaccine*), and provide their employer with proof of their full vaccination status (*completed vaccination card*), are not required to wear face masks or social distance at the worksite;
- Where an employer is unable to determine an employee’s vaccination status, or the employee is not fully vaccinated, “employers must continue to require those employees to wear masks and practice social distancing” in the workplace, except when the employee is in their own office or work station;

- Employers are permitted to allow customers, visitors and other authorized individuals to enter the worksite without requiring the use of a mask or adherence to social distancing, regardless of their vaccination status;
- Regarding customers, visitors and other authorized individuals entering the worksite, employers have the option of establishing a policy that requires such individuals to wear a mask and/or social distance, provided that such policy on mask wearing complies with federal and state law regarding accommodations in the event of a disability that makes the individual unable to wear a mask.

Executive Order 243 also emphasizes the following points:

- 1) An employer may impose stricter requirements regarding mask wearing and social distancing in indoor settings (*consistent with federal and state law on accommodations in the event of a disability that makes an employee /individual unable to wear a mask*);
- 2) Employers cannot restrict employees, customers, visitors or other authorized individuals from wearing masks in the workplace setting for any reason;
- 3) Employees, customers, visitors and other authorized individuals in the workplace shall not in any way be penalized or retaliated against if they elect to wear a mask;
- 4) Other health and safety standards applicable to all New Jersey employers as set forth in Executive Order No. 192, have not been superseded by Executive Order 243 and remain in full force and effect, including:
 - Employers must take measures to ensure a “health screening” of employees on a regular basis, with such measures consisting of either: (1) temperature screenings, (2) visual symptom checking, (3) self-assessment checklists, and/or (4) health questionnaires;
 - Employers must notify all employees if there is a known exposure to COVID-19 in the workplace, consistent with employee confidentiality requirements under the Americans with Disabilities Act, and federal and state guidance;
 - Employers must provide all employees, visitors, customers, and any other individuals who access to the work location, with access to sanitizing materials, at the employer’s expense;
 - Employers must ensure high-access areas in the work location are routinely cleaned and disinfected, and provide all employees with break time throughout the day to wash their hands (unless gloves are provided to the employees);
 - Penalties may be assessed for violations of the health and safety standards in Executive Order 192 which remain in effect.

Executive Order 242 further notes that its lifting of mask-wearing and social distancing restrictions in “indoor public places” do not include child care centers, other child care facilities, youth summer camps, and public, private and parochial preschool program premises and elementary and

secondary schools, including charter and renaissance schools, which continue to be governed by applicable standards issued by the Department of Health.

Employers are encouraged to consider how these new standards will be implemented and communicated to employees, customers, visitors and authorized individuals entering the workplace. The Firm is available to assist in this regard and further address any questions or concerns regarding the new Executive Orders as employers continue to engage in the workplace reopening process.

To discuss any of this please contact one of the attorneys below:

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