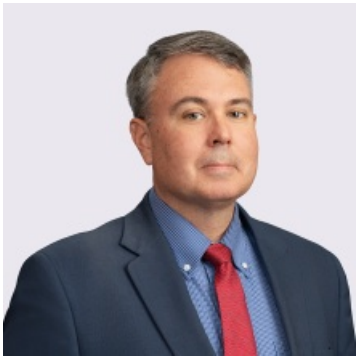


New Jersey's Post-COVID-19 'Road Back' Plan Full of Red Lights

By James M. McDonnell & Justin B. Cutlip

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Meet the Authors

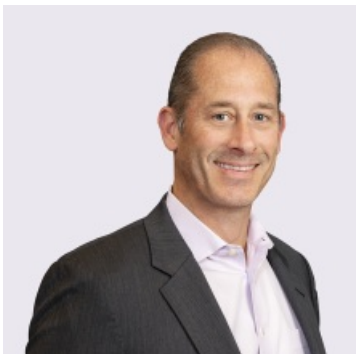


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New Jersey Governor Phil Murphy has released *The Road Back: Restoring Economic Health Through Public Health*, outlining six principles or milestones that will guide the state in deciding whether to ease the stay-at-home restrictions implemented on March 21, 2020, in response to the COVID-19 pandemic.

(For details of the stay-at-home restrictions, see our article, [New Jersey Closes Non-Essential Retail Businesses, Directs Stay-at-Home, Sets State Response to COVID-19](#).)

The Road Back stresses public health over economic health. It provides no specific target dates or clarity on potential restrictions following any lifting of the state's restrictions on business operations. The decisions must wait until additional data demonstrates sustained improvement in public health.

Six Key Principles

The Governor explained that the following six principles will guide the state in its decisions on lifting existing restrictions:

1. Demonstrate sustained reductions in new COVID-19 cases and hospitalizations.
2. Expand testing capacity.
3. Implement robust contact tracing.
4. Secure safe places and resources for isolation and quarantine.
5. Execute a responsible economic restart.
6. Ensure New Jersey's resiliency.

These principles are fluid and provide the state the flexibility to adjust, as data on the public health crisis will shape New Jersey's steps to reopen businesses.

Principles Regarding Business

While hospitalizations and testing capacity statistics are readily available, the principles include the creation of a "Restart and Recovery Commission" to advise on the reopening process.

The Governor expects to name members to the commission on April 28, 2020. However, *The Road Back* calls for a plan with a "methodical and strategic return to work based on level of disease transmission risk and essential classification." Furthermore, upon a return to work, social distancing measures "where feasible and appropriate" must continue.

Businesses should not expect a return to normalcy yet. Any restart likely will include an orderly and extended reversal of the current restrictions, with each step in the process requiring support of available health data. While a business can develop contingency plans to reopen, advice from the Restart and Recovery Commission likely will affect

those plans. Nevertheless, any contingency plans should include limiting capacity in the place of business (at least initially), social distancing policies, provisions for cleaning and disinfectant protocols, availability of supplies (*e.g.*, masks, gloves, and so on) for workers and visitors, and other items covered by previous Executive Orders, among other precautions.

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.

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