

Legal Update Article

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

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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.

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