NEW JERSEY (5.14.20)
Requirements for Non-Essential Construction and Non-Essential Retail
Under Executive Order 142

Non-Essential Construction: The Order permits non-essential construction projects to resume effective at 6:00 a.m. on Monday, May 18. All construction projects must abide by the social distancing, safety, and sanitization requirements that are described below:

- Prohibit non-essential visitors from entering the worksite;
- Engage in appropriate social distancing measures when picking up or delivering equipment or materials;
- Limit worksite meetings, inductions, and workgroups to groups of fewer than 10 individuals;
- Require individuals to maintain six feet or more distance between them wherever possible;
- Stagger work start and stop times where practicable to limit the number of individuals entering and leaving the worksite concurrently;
- Identify congested and “high-risk areas,” including but not limited to lunchrooms, breakrooms, portable rest rooms, and elevators, and limit the number of individuals at those sites concurrently where practicable;
- Stagger lunch breaks and work times where practicable to enable operations to safely continue while utilizing the least number of individuals possible at the site;
- Require workers and visitors to wear cloth face coverings, in accordance with CDC recommendations, while on the premises, except where doing so would inhibit the individual’s health or the individual is under two years of age, and require workers to 6 wear gloves while on the premises. Businesses must provide, at their expense, such face coverings and gloves for their employees. If a visitor refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the business at the point of entry, then the business must decline entry to the individual. Nothing in the stated policy should prevent workers or visitors from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the businesses is otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on the premises due to a medical condition that inhibits such usage, neither the business nor its staff shall require the individual to produce medical documentation verifying the stated condition;
- Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- Limit sharing of tools, equipment, and machinery;
- Where running water is not available, provide portable washing stations with soap and/or alcohol-based hand sanitizers that have greater than 60% ethanol or 70% isopropanol;
- Require frequent sanitization of high-touch areas like restrooms, breakrooms, equipment, and machinery;
- When the worksite is an occupied residence, require workers to sanitize work areas and keep a distance of at least six feet from the occupants; and
- Place conspicuous signage at entrances and throughout the worksite detailing the above mandates.
Curbside Pickup at Non-Essential Retail Businesses: The Order also permits non-essential retail businesses to allow curbside pickup of goods, beginning at 6:00 a.m. on Monday, May 18, but businesses must continue to have their in-store operations closed to customers. Businesses who choose to offer curbside pickup must abide by the requirements in the Order, which include but are not limited to the following:

- In-store operations should be limited to those employees who are responsible for the operations required for curbside pickup;
- Customer transactions should be handled in advance by phone, email, facsimile or other means that avoid person-to-person contact;
- Customers shall notify the retailer by text message, email, or phone once they arrive, or make best efforts to schedule their arrival time in advance. The customer should be asked to remain in their vehicle, if arriving by car, until store staff delivers the purchase;
- Designated employees should bring goods outside of the retail establishment and place goods directly in a customer’s vehicle when possible, avoiding person-to-person contact; and
- Such businesses must follow social distancing and mitigation practices outlined in previous orders, including requiring workers to wear cloth face coverings when in contact with other workers or customers and gloves when in contact with goods or customers.

MEMO REGARDING NEW JERSEY POOL RETAIL STORES AS ESSENTIAL

May 8, 2020

In New Jersey, Governor Murphy has ordered that essential retail may remain open but must follow mitigation requirements to slow the spread of COVID-19. It is the position of the Northeast Spa and Pool Association that pool retail stores are essential businesses.

This position is a result of:

- The State listing hardware and home improvement stores as essential retail.
- Pool retail stores being part of the supply chain for pool service companies.
- Pool service and maintenance being classified by the State as an essential service to prevent a public health hazard from developing in untreated water.
- Pool stores selling essential sanitizers and chemical disinfectants that prevent the spread of bacteria in pool water and prevent mosquitos.
Essential retail stores, including pool retail stores, must implement mitigation requirements including but not limited to:

- Cleaning and disinfecting high-touch areas routinely in accordance with CDC guidelines, particularly in spaces accessible to staff, customers, etc.;
- Arranging for contactless pay options, pickup, or delivery of goods wherever possible;
- Requiring regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
- Placing conspicuous signage at entrances and throughout the store alerting staff and customers to the required 6 feet of distance;
- Requiring workers and customers to wear cloth face coverings and requiring workers to wear gloves.

Important References for Your Retail Business

This information is being provided to you as a member of the Northeast Spa and Pool association and is intended for your use to make decisions about your individual business during the restrictions put in place as a result of the COVID-19 outbreak. If you have concerns about your specific business operation you should consult your attorney. This is not intended to be legal advice.