

Governor Murphy Signs Executive Order Outlining COVID-19 Protocols for the Workplace

October 29, 2020

Source: Saiber Employment Law Alert

On October 28, 2020, Governor Murphy signed Executive Order 192 (“E.O. 192”), which sets forth workplace safety protocols in response to the recent increase in reported COVID-19 infections across New Jersey.

The workplace protocols set forth in E.O. 192 take effect at 6:00 a.m. on Thursday, November 5, 2020, and apply to every business, non-profit, and governmental or educational entity that requires or permits its workforce, in whole or in part, to be physically present at a worksite to perform work.

E.O. 192 requires:

- Individuals at the worksite to keep at least six feet from each other “to the maximum extent possible.” If the employee’s work or the work area does not allow for six feet of distance to be maintained, the employer must ensure the employees wear masks and must install physical barriers between workstations where possible.
- Employees and visitors to wear a face mask, with some exceptions. Employers are required to make masks available, at their expense, to their employees.
- Employers to provide employees, customers, and visitors with sanitization materials at the employer’s expense.
- Employers to ensure employees practice regular hand hygiene, especially when such employees are interacting with the public. Employers must provide employees break time for handwashing throughout the workday and access to adequate hand washing facilities.
- Employers to routinely clean and disinfect all high-touch areas in accordance with federal and state guidelines, especially in places that are accessible to employees, customers, or other individuals.

Employers to conduct daily health checks of workers prior to each shift, such as

temperature screenings, visual symptom checking, and self-assessment checklists, consistent with CDC guidance and federal and state laws.

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Employers to immediately separate and send home employees who appear to have COVID-19 symptoms, in accordance with CDC guidelines.

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Employers to promptly notify all employees of any known exposure to COVID-19 at the worksite, in accordance with confidentiality requirements of federal laws.

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Employers to clean and disinfect the worksite in accordance with CDC guidelines when an employee has been diagnosed with COVID-19.

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Continue to follow guidelines and directives issued by the state and federal government for maintaining a clean, safe and healthy work environment.

These protocols do not apply when they interfere with the discharge of the operational duties of certain employees, for example, first responders, emergency management personnel, health care personnel, law enforcement and corrections personnel and others. The protocols also do not apply to the United States government, or to religious institutions to the extent that application of the health and safety protocols would prohibit the free exercise of religion.

The Commissioner of the Department of Labor and Workforce Development will create investigatory measures to assist employers with compliance and permit submission of employee complaints regarding lack of compliance with the safety protocols. Employers found to be in non-compliance may face penalties up to and including closure.