

Published Articles

Administrative Order Extends "Essential Construction" To Religious Facilities

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On May 2, 2020, Patrick Callahan, New Jersey State Director of Emergency Management and the Superintendent of State Police, issued an Administrative Order extending Governor Phil Murphy's Executive Order 122 (EO 122) to cover religious facilities.

As outlined in our **April 9, 2020 Client Alert**, EO 122 specifically allows work to proceed on certain "essential construction projects" in New Jersey, provided that such work is performed in accordance with the terms and conditions of the Order. EO 122 also authorizes the State Director of Emergency Management to utilize his discretion to make additions, amendments, clarifications, exceptions and exclusions to the terms of the Order. Under this authority, Mr. Callahan issued Administrative Order No. 2020-11, providing that construction of new religious facilities or construction involving existing religious facilities shall be considered "essential construction projects" under EO 122.

The Administrative Order further requires that such religious projects comply with Paragraph 3 of EO 122, which sets forth the following conditions for essential construction projects to proceed:

- prohibit non-essential visitors from entering the worksite;
- limit worksite meetings to groups of fewer than ten people;
- require social distancing (six feet or more) wherever possible;
- stagger work start and stop times;
- stagger lunch breaks and work times;
- restrict the number of individuals who can access restrooms and breakrooms concurrently;
- require workers and visitors to wear cloth face coverings;

Attorneys

Steven Nudelman

Published Articles (Cont.)

- require workers to wear gloves;
- require infection control practices (e.g., regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal);
- limit sharing of tools, equipment, and machinery; provide hand sanitizer/wipes to workers and visitors; and
- require frequent sanitization of high-touch areas like restrooms, breakrooms, equipment, and machinery.

In addition, religious projects must adopt the worker health, safety and welfare policies outlined in **Paragraph 4 of EO 122**.

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