

WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

New Jersey and New York Limit In-Person Workforce to Essential Businesses

03/23/20

On March 21, 2020, Governor Phil Murphy issued Executive Order No. 107, announcing new standards for business closures in light of the coronavirus pandemic. Effective at 9:00 p.m. on this same date, non-essential retail businesses were ordered to close their physical premises. A link to the Order is provided below.

Essential businesses that are exempt from closure include:

- Grocery stores, farmers' markets and farms that sell directly to customers, and other food stores
- Pharmacies and medical marijuana dispensaries
- Medical supply stores
- Gas stations
- Convenience stores
- Ancillary stores within healthcare facilities
- Hardware and home improvement stores
- Vehicle rental locations
- Banks and other financial institutions with retail functions
- Laundromats and dry-cleaning services
- Stores that principally sell supplies for children under five years
- Pet stores and veterinary service locations
- Car dealerships, but only for auto maintenance and repair
- Auto mechanics
- Printing and office supply shops
- Mail and delivery stores
- Liquor stores
- Medical facilities
- Mobile phone retail and repair shops
- Bicycle shops, but only to provide service and repair
- Livestock feed stores
- Nurseries and garden centers
- Farming equipment stores

Whenever practicable, businesses should have their employees work from home. If employees need to be on-site, employers should use as few employees as possible. Examples of employees who may need to be on-site include: cashiers, construction workers, utility workers, repair workers, warehouse workers, lab researchers, IT maintenance workers, janitorial staff, and certain administrative staff. Manufacturing, industrial, logistics, ports, heavy construction, shipping, food production, food delivery, and other commercial operations are permitted to continue operating, but should limit the number of staff used on the premises.

Essential businesses should provide their employees with a letter indicating that the employee works for a business that is allowed to continue operations.

Similar limits are in effect in New York. On March 20, 2020, Governor Andrew Cuomo signed an Executive Order requiring a 100% reduction of in-person workers in non-essential businesses in New York. The ordered reduction must occur no later than March 22, 2020 at 8 p.m. A link to the Order is provided below.

Essential businesses in New York include:

- Essential health care operations including
 - research and laboratory services
 - hospitals
 - walk-in-care health facilities
 - emergency veterinary and livestock services
 - elder care
 - medical wholesale and distribution
 - home health care workers or aides for the elderly
 - doctor and emergency dental
 - nursing homes, or residential health care facilities or congregate care facilities
 - medical supplies and equipment manufacturers and providers
- Essential infrastructure including
 - utilities including power generation, fuel supply and transmission
 - public water and wastewater
 - telecommunications and data centers
 - airports/airlines
 - transportation infrastructure such as bus, rail, or for-hire vehicles, garages
 - hotels, and places of accommodation
- Essential manufacturing including
 - food processing, manufacturing agents, including all foods and beverages
 - chemicals
 - medical equipment/instruments
 - pharmaceuticals
 - sanitary products
 - telecommunications
 - microelectronics/semi-conductor
 - agriculture/farms
 - household paper products
- Essential retail including
 - grocery stores including all food and beverage stores
 - pharmacies
 - convenience stores
 - farmer's markets
 - gas stations
 - restaurants/bars (but only for take-out/delivery)
 - hardware and building material stores
- Essential services including
 - trash and recycling collection, processing and disposal
 - mail and shipping services
 - laundromats
 - building cleaning and maintenance
 - child care services
 - auto repair
 - warehouse/distribution and fulfillment
 - funeral homes, crematoriums and cemeteries

- storage for essential businesses
 - animal shelters
- News media
- Financial Institutions including
 - banks
 - insurance
 - payroll
 - accounting
 - services related to financial markets
- Providers of basic necessities to economically disadvantaged populations including
 - homeless shelters and congregate care facilities
 - food banks
 - human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support
- Construction including
 - skilled trades such as electricians, plumbers
 - other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes
 - Defense
 - defense and national security-related operations supporting the U.S. Government or a contractor to the US government
- Essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses including
 - law enforcement
 - fire prevention and response
 - building code enforcement
 - security
 - emergency management and response
 - building cleaners or janitors
 - general maintenance whether employed by the entity directly or a vendor
 - automotive repair
 - disinfection
- Vendors that provide essential services or products, including logistics and technology support, child care and services:
 - logistics
 - technology support for online services
 - child care programs and services
 - government owned or leased buildings
 - essential government services

If your business does not fall under the New York exceptions listed above, you may request designation as an essential business by [completing this form](#).

If you have a question about these exemptions or need assistance in seeking an exemption for your company, please contact [Willard C. Shih](#) at: 732.855.6016 or wshih@wilentz.com.

Attorneys

- Willard C. Shih
- Tracy Armstrong

Practices

- Employment Law
- Corporate