

# SAFETY DIRECTOR BULLETIN

May 28, 2021

## EXECUTIVE ORDER NO. 242 & NO. 243 NEW RE-OPENING GUIDELINES

Governor Phil Murphy signed [Executive Order No. 242](#) on May 24, 2021, and [Executive Order No. 243](#) on May 26, 2021, further relaxing COVID-19 restrictions.

The following changes will take place on **Friday, May 28, 2021**:

- Individuals in indoor public spaces are not required to wear masks, regardless of their ability to maintain six feet of distance from other individuals or groups. Per CDC recommendations, individuals who are not fully vaccinated should continue to wear masks in indoor public spaces.
- **However, employers and entities overseeing public spaces in settings where masking is no longer required are permitted to impose stricter requirements regarding mask-wearing in indoor settings for employees, customers, guests, and other individuals, where otherwise consistent with federal and State law.**
- **Employers and entities overseeing public spaces shall not restrict individuals from wearing masks in those settings and shall not in any way penalize or retaliate against individuals who elect to wear a mask.**
- Employers in workplaces that are not open to the public are not mandated to require employees to wear face masks or social distance at the worksite where the employee provides proof that they are fully vaccinated, as defined by the CDC, and in accordance with federal and State law. Where an employer is unable to determine the individual's vaccination status or the individual is not fully vaccinated, employers must continue to require those employees to wear masks and practice social distancing in indoor spaces subject only to exceptions that have previously existed, such as when employees are at distanced workstations or in their own offices and shall continue to maintain six feet of distance from others to the maximum extent possible.
- Employers, in workplaces that are not open to the public are permitted to allow customers, visitors, and other authorized individuals to enter the worksite without requiring use of a mask or adherence to social distancing, regardless of their vaccination status.
- Employers may establish a policy that requires customers, visitors, and similar individuals entering a worksite to wear a mask and/or social distance, but such policy on masking must comply with the requirements of Executive Order No. 192 (2020).
- Employers shall not restrict individuals from wearing masks in those settings and shall not in any way penalize or retaliate against individuals who elect to wear a mask.
- Food and beverage establishments are not required to seat individuals or groups of individuals six feet apart at tables or at indoor bar areas. Establishments with table service are permitted to allow patrons to place orders when not seated and to serve patrons who are not seated, and patrons may consume food or beverages while standing.
- Establishments must continue to ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations, and must continue to abide by all other current health and safety standards issued by the Commissioner of the Department of Health on indoor and outdoor dining.

- The following businesses that have opened their indoor and/or outdoor premises to the public are permitted to operate at full capacity without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart:
  - Retail establishments
  - Personal care services
  - Gyms and fitness centers, pools, amusement, and water parks.
  - Casinos
  - Racetracks
- Attendees at indoor gatherings, including but not limited to gatherings that are religious services, political activities, memorial services, commercial gatherings, gatherings at private residences, performances at entertainment centers where performances are viewed or given, catered events, and sports practices and competitions, are no longer required to be six feet apart from other attendees.
- Attendees at outdoor gatherings, including but not limited to religious services or celebrations, political activities, weddings, funerals, memorial services, commercial gatherings, gatherings in private residences, performances at outdoor entertainment centers, catered events, and athletic practices and competitions no longer need to remain six feet apart from other attendees.
- Sports and entertainment venues, including concert venues and stadiums, with a fixed seating capacity of 1,000 or greater, may permit patrons and/or members of the public totaling up to 30 percent of the stated maximum capacity of any room without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart.
- Sports and entertainment venues, including concert venues and stadiums, with a fixed seating capacity of 1,000 or greater, that have opened their outdoor spaces to the public are permitted to operate at full capacity without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart.
- Valet parking and communal play areas are permitted to open at indoor malls.
- All establishments open to the public, including a food or beverage establishment, shall be permitted to open indoor and outdoor dance floors.

**Social distancing and face-covering requirements will still be in place for:**

- Child care centers/facilities, youth summer camps, and public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools
- Long term care facilities, home health care settings, and office-based health care settings, correctional facilities, homeless shelters
- On planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in transportation hubs such as airports and stations.

The following changes will take place on **Friday, June 4, 2021**:

- The numerical limit on indoor gatherings, including but not limited to political activities, weddings, funerals, memorial services, commercial gatherings, gatherings in private residences, performances at indoor entertainment centers, catered events, and athletic practices and competitions, will be rescinded. As a result, there will be no limits applying to indoor gatherings.

- Sports and entertainment venues, including concert venues and stadiums, with a fixed seating capacity of 1,000 or greater, that have opened their indoor spaces to the public will not be subject to any percentage-based capacity restriction and are permitted to operate at full capacity without limiting occupancy to a number that ensures that all patrons or groups of patrons entering the facility together can remain six feet apart.

**Municipalities and Counties are permitted under this Order to impose additional restrictions, in response to COVID-19, regarding mask requirements for individuals in indoor public spaces.** While the State has administered approximately 8.7 million doses of COVID-19 vaccines, with over 4.7 million New Jerseyans having received at least one dose of a vaccine and over 4 million having been fully vaccinated. When considering whether or not to require masks in municipal or county office buildings, it is important to assess the “local” statistics concerning the number or percentage of the population in that municipality or county that has been fully vaccinated. Further, local officials should consider the health and safety of employees, especially those with underlying health conditions, who frequently interact with the public. If adequate safeguards and due consideration have been given to these circumstances, the final decision rests with the governing body.