New Jersey Common Interest Communities Subject to Workplace Protection Requirements of Executive Order 192

Client Alert

11.03.20

New Jersey Governor Phil Murphy's Executive Order 192 (EO 192), which goes into effect on November 5, 2020, applies to all workplaces that require or permit employees to be physically present at a worksite in New Jersey, including nonprofit corporations.

As a result, common interest communities that have direct employees and/or on-site third party vendors, such as representatives from a property management company, must be acutely aware of the requirements set forth in EO 192, and should be consulting with their property manager and attorney to develop a plan to ensure that they are in compliance come November 5.

EO 192, which will impose a series of workplace protections in response to an increase in COVID-19 cases in New Jersey, was comprehensively reviewed in our **November 2 Client Alert** from attorneys in the firm's Employment Law Practice Group.

However, **several of the requirements set forth in EO 192 are of particular interest to common interest communities**, as follows:

- Associations must require anyone entering the worksite premises to wear a mask. This includes owners, tenants, and all visitors.
- Many communities have a front desk or concierge. This means that by necessity, residents and their visitors are entering individual employees' "worksites" frequently. Any such community must work with their attorney and vendors to determine what, if any, impact this requirement will have on their community and whether it must make modifications to its front desk/concierge services, or if it must require residents and their visitors to wear masks as they enter the property.
- Any community with an on-site management office must now require that anyone visiting that office must wear a mask.

- Associations must provide sanitation materials such as hand sanitizer and sanitizing wipes to employees and visitors at no cost. Once again, communities with a front desk, concierge, or on-site management office must determine how this impacts their community.
- Associations must routinely clean and disinfect all high-touch areas including restrooms, handrails, doorknobs, other common surfaces, safety equipment, and ensure proper cleaning procedures consistent with Centers for Disease Control (CDC) guidance following known or potential exposure. While all communities should already be conducting such cleaning and disinfecting, it is now important to note that these practices must be extended to areas where there are employees.
- Associations must conduct daily health checks of employees prior to each shift, such as temperature screenings, visual symptom checking, self-assessment checklists, and/or health questionnaires. While EO 192 does not require any specific method for health checks, screenings must be conducted in a manner consistent with CDC and Equal Employment Opportunity Commission (EEOC) guidance, and must be consistent with the ADA and the New Jersey Law Against Discrimination's (NJLAD) confidentiality requirements. Temperature screenings and questionnaires are two commonplace and simple methods that appear to comply with EO 192.

In order to ensure a safe and healthy workplace - and given the potential steep penalties for violations of EO 192 - common interest communities should work closely with their attorneys to ensure that they are in compliance.