

IMPORTANT UPDATE

MEMORANDUM

TO: New Jersey Municipal Managers Association
FROM: Matthew J. Giacobbe, Esq.
DATE: March 21, 2020
Re: **Governor Murphy Issues Executive Order 107**

This afternoon, the Governor Murphy issued Executive Order 107, which effective 9:00 p.m. on March 21, 2020, all non-essential **retail** businesses are ordered closed and to cease all operations until the Governor revokes this Executive Order. <https://nj.gov/infobank/eo/056murphy/pdf/EO-107.pdf> Certain retail businesses can remain open such as grocery stores, pharmacies, banks and must “use best efforts” to keep customers at least six (6) feet apart for necessary social distancing purposes.

Public sector employers such as counties and municipalities are essential businesses that shall continue to operate to provide essential services to its respective residents and communities during this unprecedented period. The Governor has ordered that all businesses that remain operational – including public entities – shall accommodate its workforce, **where practicable**, to work remotely (e.g. telework from home). The Governor specifically acknowledges that certain employees, such as police officers, firefighters, first responders, public works employees, custodians, information technology employees and certain administrative staff (e.g., Business Administrators, Chief Financial Officers, Clerks) cannot perform their job functions working remotely. For those employees who physically report to a work site, businesses must use best efforts to reduce on-site employees to the minimum number necessary to ensure that essential business operations can continue.

Many counties and municipalities have already implemented alternate work schedules and/or remote working for certain employees in response to the COVID-19 Pandemic to minimize employee exposure to the coronavirus and possible illness. For example, many police departments and/or fire departments are modifying their current work schedules to ensure adequate coverage during this National and State declarations of emergency. It is recommended that all counties and municipalities review their applicable collective negotiations agreements, have dialogue with the appropriate union leadership, and seek legal guidance when implementing alternate work schedules in order to comply with Executive Order 107.