NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-08

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, a state of emergency was declared by Governor Doug Burgum on March 13, 2020, in response to the public health crisis resulting from COVID-19; Executive Order 2020-03 activated the State Emergency Operations Plan (SEOP), implementing appropriate response and recovery actions and future mitigation measures; and,

WHEREAS, with the guidance and assistance of the State Health Officer and the Director of Emergency Operations, the State is actively responding to the crisis and working to gather, coordinate, and deploy goods, services, professionals and volunteers of all types and kinds; and,

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in North Dakota and continue to spread; and,

WHEREAS, during the pendency of this emergency, citizens of North Dakota are facing undue economic hardships resulting from unemployment directly resulting from the implementation of federal and state guidelines to mitigate the spread of COVID-19; and,

WHEREAS, the COVID-19 crisis has also impacted certain business operations across the state, including businesses in the energy sector; and,

WHEREAS, based on these circumstances, the suspension of certain state statutes and administrative rules is necessary to address the threats to public health and safety, mitigate economic hardship to citizens and continue our active response, recovery and mitigation efforts.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code 37-17.1, to mitigate the spread of COVID-19, protect the public health, and provide essential protections to the citizens of North Dakota, it is reasonable and necessary to temporarily suspend rules and procedures to expand eligibility for unemployment eligibility benefits and cost-sharing with employers.

It is hereby ordered:

a. Effective March 13, 2020, those portions of NDCC 52-04-07 specifying the charging of base-period employers are suspended under the following circumstances: Benefits paid to an individual whose unemployment is related directly or indirectly to COVID-19 shall not be charged against the accounts of the individual's employer.

b. Effective March 13, 2020, the requirement in N.D.C.C. § 52-06-01(2)(a) that an individual must register for work shall be suspended for those individuals whose unemployment is related to COVID-19.
c. Effective March 13, 2020, the requirement in N.D.C.C. § 52-06-01(3)(a) that an individual must be actively seeking work is suspended for those individuals whose unemployment is related to COVID-19.
d. Effective March 13, 2020, the requirement in N.D.C.C. § 52-06-02(1)(a)(1)&(2) that an individual must requalify for unemployment benefits for the week in which the individual has left the individual's most recent employment voluntarily or without good cause attributable to the employer, is suspended for those individuals whose unemployment is related to COVID-19.
e. Effective March 13, 2020, the requirement in N.D.C.C. § 52-06-02(2) that an individual must requalify, in accordance with N.D.C.C. § 52-06-02(a), for unemployment benefits for the week in which the individual has been discharged for misconduct in connection with the individual's most recent employment, is suspended for those individuals whose unemployment is related to COVID-19.
f. Effective March 13, 2020, strict compliance with N.D.C.C. § 52-06-04 is suspended to the extent review of an employee's separation from past employers is required. Only review of the current reason for separation from employment as it relates to COVID-19 will be considered in determining eligibility for benefits.
g. Effective March 13, 2020, strict compliance with N.D.C.C. § 52-06-04 subsections a through d is suspended to the extent income reduction for business owners is required when calculating monetary eligibility for unemployment benefits related to COVID-19.

This order is issued upon the following basis and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1, of the North Dakota Constitution.
2. The Governor is vested with statutory authority to issue executive orders, to minimize or avert the effects of a disaster or emergency pursuant to N.D.C.C. Chapter 37-17.1.
3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.

This order is in effect immediately and shall remain in effect until it is rescinded.

Executed at Bismarck, North Dakota, this 20th day of March, 2020.

Doug Burgum
Governor

ATTEST:

Secretary of State