NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-12

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 in the State of North Dakota through Executive Order 2020-03, in response to the public health crisis resulting from the novel coronavirus (COVID-19); this Order activated the North Dakota State Emergency Operations Plan (SEOP) to assist local and tribal officials, to prevent injuries and save lives, alleviate hardships, implement appropriate response and recovery actions and future mitigation measures, and facilitate restoration of services and infrastructure; and,

WHEREAS, during this declared State emergency, first responders and health care providers in North Dakota may experience economic hardship resulting from medical care costs and wage loss resulting from exposure to COVID-19; and,

WHEREAS, suspension of certain state statutes and administrative rules is necessary to reduce the risk of economic hardship to first responders and health care workers engaged in active response, recovery and mitigation efforts during the COVID-19 public health emergency.

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 and provide essential public health protections to the citizens of North Dakota, has determined it is reasonable and necessary to temporarily suspend certain provisions of Title 65, North Dakota Century Code and related sections of the North Dakota Administrative Code to expand eligibility for Worker's Compensation coverage to first responders and health care workers assisting in the State's response to the COVID-19 emergency.

1. Effective March 13, 2020, first responders, health care workers and all occupations included under N.D.C.C. § 65-01-02 (11)(b)(1) who are exposed to COVID-19 in the course of employment may file a claim for worker's compensation coverage and may be eligible for up to fourteen days of wage replacement and medical coverage if quarantined.

2. Eligibility for workers' compensation benefits requires the following:
   a. The worker must be subject to quarantine resulting from a work-related exposure, pursuant to an order of a treating health care provider, or public health officer.
   b. The worker has experienced lost wages during the period of quarantine and is not eligible for lost wage benefits from any other source;

3. First responders, front line health care workers and all occupations identified in N.D.C.C. § 65-01-02(11)(b)(1), who test positive for COVID-19 and can demonstrate that the infection resulted from a work-related exposure, will be eligible for wage replacement and medical benefits as provided for in N.D.C.C. Title 65 for compensable injuries.

4. This Order applies to individuals working in a paid or a voluntary capacity as a first responder, health care worker and in all occupations identified in N.D.C.C. § 65-01-02(11)(b)(1) during the pendency of the declared COVID-19 period.

5. Claims for workers' compensation described herein, filed after the COVID-19 emergency order is vacated, may qualify for benefits if the worker's exposure occurred during the pendency of the declared emergency.

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 Chapter 37-17.1 of the North Dakota Century Code.

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 will take effect immediately and shall remain in effect for the duration of the declared state of emergency.

Executed at Bismarck, North Dakota, this 25th day of March, 2020.

Doug Burgum
Governor

ATTEST:

Secretary of State