

Coronavirus (COVID-19) Frequently Asked Questions for Employees

According to the [U.S. Centers for Disease Control and Prevention \(CDC\)](#), the risk of infection of COVID-19 is currently low, even for most workers. However, as an employee you may have questions and concerns regarding workers' compensation coverage.

How do I obtain information about COVID-19?

The CDC, in conjunction with state health officials, including the [North Dakota Department of Health \(NDDoH\)](#), is helping the public prepare for and deal with the COVID-19 in the U.S.

[Executive Order 2020-12](#)

Are employees who contract COVID-19 eligible for workers' compensation benefits?

No. Generally, coverage for illnesses even when contracted through employment are not considered compensable injuries. Diseases to which the general public outside of employment are exposed are specifically excluded from workers' compensation coverage in North Dakota. COVID-19 fits into this exclusion. Even though it may be contended an employee contracted COVID-19 while working, the employee is not eligible for workers' compensation benefits for this type of illness.

On March 25, 2020, Governor Doug Burgum issued [Executive Order 2020-12](#) for extending workers' compensation coverage for COVID-19 to first responders and front-line health care providers.

On April 16, 2020, Governor Burgum amended the order, [Executive Order 2020-12.1](#), to include funeral service personnel. The executive order specifically alters the statutory application for three groups of employees in North Dakota: frontline health care workers, first responders, and funeral service personnel.

On July, 28, 2020 Governor Burgum again amended the order, [Executive Order 2020-12.2](#), to include employees providing direct care to individuals with intellectual and developmental disabilities housed within certain licensed care facilities.

Who is covered in Executive Orders 2020-12, 2020-12.1 and 2020-12.2?

These orders expand COVID-19 coverage to four employee groups. For all groups, co-worker to co-worker transmission of the virus is not included:

1. **Frontline health care workers** This group includes medical providers extending direct patient care that exposes them to contact with the virus. The following lists who is considered and not considered frontline health care workers; it is not inclusive but shows the intention of the executive order.
 - a. **Frontline health care workers include** doctors, nurses, certified nursing assistants, lab personnel and technicians, radiology/imaging personnel and technicians, physical therapist, occupational therapist, pharmacists, pharmacy technicians, social workers, chiropractors, dentists, optometrists, dietary aids, custodial staff, patient registration staff, laundry attendants, coroners, receptionists and patient intake coordinators, hospital social workers, hospital security staff and national guard members on state deployment if acting as a frontline health care role.

- b. **Frontline health care workers do not include** billing and coding staff, document processing staff, administrative office personnel, and information technology staff.
2. **First responders** This group includes licensed, certified, or recognized responders whose job duties expose them to COVID-19 from direct citizen contact while in the act of first response. The following lists who is considered first responders; it is not inclusive but shows the intention of the executive order.
 - a. **Medical first responders include** emergency medical technicians, ambulance personnel, state troopers, police, or deputies (paid or volunteer), firefighters (paid or volunteer), national guard members on state deployment if acting as a medical first responders.
 - b. **Non-medical first responders include** court and judicial personnel including judges, judicial referees, bailiffs, court staff, Bureau of Criminal Investigation investigators, state troopers, police or deputies (paid or volunteer), parole and probation officers, parks and recreation officers, firefighters (paid or volunteer), department of corrections staff, jailers, crime lab personnel, and staff of the North Dakota jails and prisons having direct inmate exposure, including janitorial and food service personnel.
3. **Funeral service personnel** This group includes funeral directors and other individuals employed in funeral homes, who provide for the care removal and final disposition of the deceased. The personnel must demonstrate the virus resulted from exposure to a deceased individual who tested positive for COVID-19.
4. **Care providers of those with intellectual and developmental disabilities** This group includes frontline employees providing direct care or services to those with intellectual and developmental disabilities who expose the employee to the virus. The group specifically includes employees of a facility licensed under North Dakota Century Code chapter 25-16 or employees of the Life Skills and Transition Center as defined in North Dakota Century Code chapter 25-04. It does not include employees exposed to the virus outside of providing direct care or services to those with intellectual and developmental disabilities.

What benefits would I receive if I file a workers' compensation claim for COVID-19?

If you are an employee described above and can show that you have contracted COVID-19 through a work-related exposure, you may [file a workers' compensation claim](#) for benefits including wage-loss, medical, and death benefits.

If you are subject to quarantine per an order of a health care provider or public health officer, you may receive medical and wage-loss benefits for the quarantine period. Eligibility for wage loss benefits only applies if you are not eligible for wage-loss benefits from another source. For example, as of April 1, 2020, federal law mandates most employers provide paid leave for employees in quarantine. As a result, this wage-loss benefit provides a safety net for those not already covered by another resource.

For quarantines prior to April 1, 2020, WSI will pay wage-loss benefits if you must use accrued PTO or sick leave for the quarantine period. However, if an employer grants additional leave or continues to pay wages for the quarantine period, WSI will not pay benefits.

What is the coverage period of Executive Order 2020-12?

Coverage for frontline health care workers, first responders and funeral service personnel applies to claims occurring between March 13, 2020, and the date the emergency is declared over, or the order is ended by the Governor, whichever occurs first. Coverage for care providers of those with intellectual and

developmental disabilities applies to claims occurring between July 1, 2020, and the date the emergency is declared over, or the order is ended by the Governor, whichever occurs first.

Will these claims be assessed against an employer's account for rating purposes?

Yes. As the claim originates from an employer, they will become part of the employer's claim history.

General Claim Information

Is WSI making decisions on new claims?

Yes. WSI staff are teleworking and have access to all our systems. We are working with medical providers and employers to make timely decisions on pending claims.

Will I be able to speak with my claims adjuster?

Yes. Our staff are teleworking and can be reached by calling WSI's Customer Service at 800-777-5033; please have your claim number ready.

I'm receiving disability benefits, will there be changes or delays in receiving my disability benefits?

Processing payments for injured employees is WSI's highest priority and we are working hard to ensure your disability payments are made every 14 days if you remain off work due to your work injury.

I have been released to go back to work and because of COVID-19 my employer does not have a job for me?

Please contact your claims adjuster to discuss your medical release and how it changes future disability benefits.

I am receiving disability benefits and my medical appointment has been cancelled/postponed, will there be changes in receiving my disability benefits?

WSI understands some medical providers have cancelled medical appointments due to COVID-19. Please contact your medical provider to discuss if telemedicine options are a way for ongoing appointments.

In addition, please contact your claims adjuster to discuss your medical appointments.

Am I required to look for work to continue receiving disability benefits?

There are still opportunities to do good faith work search for positions that fall within your physical restrictions, such as online inquiries and postings of positions. Please contact your claims adjuster to guide you through the process.

If my doctor offers telemedicine can I use it, or do I have to see my doctor in the clinic?

WSI understands some medical providers have cancelled medical appointments due to COVID-19. Please contact your medical provider to discuss if telemedicine options are a way for ongoing appointments.

More Information

Where do I get more information?

Health care organizations across the globe are working hard to arm everyone with knowledge they need to protect themselves. Here are some links to credible organizations that offer more information:

- [Centers for Disease Control and Prevention](#)
- [National Institute for Occupational Safety and Health](#)
- [Occupational Safety and Health Administration](#)
- [World Health Organization](#)
- [North Dakota Department of Health](#)