STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-05

Providing Immediate Relief to Employers and Unemployed Workers During the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 3(1), the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the pendency of a peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

Economic insecurity because of involuntary unemployment of workers in Minnesota is a subject of general concern. The public good is promoted by providing workers who are unemployed through no fault of their own a temporary partial wage replacement to assist unemployed workers to become reemployed. Providing a temporary partial wage replacement to assist unemployed workers allows these workers to access basic necessities and safeguard the health of themselves, their families, and other Minnesotans. Current law and regulations prevent the Minnesota Unemployment Insurance Program from providing immediate relief to employers and unemployed workers during the COVID-19 pandemic.

For these reasons, I order as follows:

1. Effective immediately, strict compliance with Minnesota Statutes 2019, Chapter 268, Minnesota Unemployment Insurance Law is suspended.

2. For unemployment insurance benefit accounts established between March 1, 2020 and December 31, 2020, I am suspending the nonpayable week requirement under Minnesota Statutes 2019, section 268.085, subdivision 1, clause 6, which will allow workers to become eligible for unemployment benefits as quickly as possible.

3. To further ensure that unemployment benefits are available for workers who are not able to work directly or indirectly as a result of COVID-19, I order that suitable employment under Minnesota Statutes 2019, section 268.035, subdivisions 23a (a) and (b) does not include employment that puts the health and safety of the applicant at risk or employment that puts the health and safety of other workers and the general public at risk.

4. To further ensure that unemployment benefits are available for workers who are not able to work directly or indirectly as a result of COVID-19, I order that a leave of absence will be presumed to be involuntary in accordance with Minnesota Statutes 2019, section 268.085, subdivision 13a, when:

    a. A determination has been made by health authorities or by a health care professional that the presence of the applicant in the workplace would jeopardize the health of others, whether or not the applicant has actually contracted a communicable disease.

    b. A quarantine or isolation order has been issued to the applicant pursuant to Minnesota Statutes 2019, section 144.419 to section 144.4196.

    c. There is a recommendation from health authorities or by a health care professional that the applicant should self-isolate or self-quarantine due to elevated risk from COVID-19 due to being immunocompromised.

    d. The applicant has been instructed by their employer not to come to the employer's place of business due to an outbreak of a communicable disease.

    e. The applicant has received a notification from a school district, daycare, or other childcare provider that either classes are canceled or the applicant's ordinary childcare is unavailable, provided that the applicant made reasonable effort to obtain other childcare and requested time off or other accommodation from the employer and no reasonable accommodation was available.

5. Notwithstanding Minnesota Statutes 2019, section 268.047, I order that the Minnesota Unemployment Insurance Program not use unemployment benefits paid as a result of the COVID-19 pandemic in computing the future unemployment tax rate of a taxpaying employer. This will provide immediate relief to employers impacted by the COVID-19 pandemic and will better allow their employees to access unemployment benefits.

6. Notwithstanding Minnesota Statutes 2019, section 268.085, subdivision 9, I order that the Minnesota Unemployment Insurance Program waive enforcement of the five-week benefit limitation for business owners.

7. Because strict compliance with Minnesota Statutes 2019, Chapter 268 and Minnesota Rules 2019, part 3310, will prevent, hinder, or delay necessary action under this Executive Order, those provisions, and any other provisions in Minnesota Statutes or Rules that are inconsistent with this Executive Order, are waived and suspended during the peacetime emergency declared in Executive Order 20-01.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on March 16, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on March 16, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed on March 16, 2020
Office of the Minnesota
Secretary of State,
Steve Simon