STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-07

Providing for State Workforce Needs 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. 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.

On March 15, 2020, I issued Executive Order 20-02, authorizing and directing the Commissioner of Education to close all schools to students, with delineated exceptions, beginning Wednesday, March 18, 2020 through Friday, March 27, 2020. On March 16, 2020, I issued Executive Order 20-04, which ordered the closure of certain places of public accommodation.

This peacetime emergency places burdens on state agency employees as with all Minnesota workers. It also places special responsibilities on state agency employees. The Minnesota Constitution provides that the purpose of government is for the security, benefit and protection of the people, and confers upon the executive branch the responsibility to take care that the laws are faithfully executed. As a result, even during a peacetime emergency, it is incumbent upon state agency employees to work as effectively as possible to maintain government operations, to secure the health and safety of Minnesotans, and to take care that the laws are faithfully executed.

Under Minnesota Statutes 2019, section 12.21, subdivision 3(10), the Governor may alter or adjust the working hours, workdays and work week of, and annual and sick leave provisions and payroll laws regarding all state employees in the executive branch, as necessary to minimize the impact of the emergency, conforming the alterations or adjustments to existing state laws, rules, and collective bargaining agreements to the extent practicable. Under Minnesota Statutes 2019, section 12.21, subdivision 3(12), the Governor may transfer the direction, personnel, or functions of state agencies to perform or facilitate response and recovery programs. In addition, under Minnesota Statutes 2019, section 12.21, subdivision 3(1), the Governor may make, amend, and

rescind necessary orders and rules to address the peacetime emergency. 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.

In consultation with the Commissioner of Management and Budget and other state agencies, I have concluded that it is necessary to provide forms of paid leave and other benefits to executive branch employees, so that state agency workplaces can conform to the extent possible with guidance on how to best prevent and reduce community spread of COVID-19, while also minimizing the impact of the peacetime emergency on government operations.

I also have concluded that to protect the health and safety of Minnesotans and minimize the impact of the peacetime emergency on government operations, state agencies require the flexibility to hire staff, schedule, assign, and reassign employees without adherence to existing limitations in collective bargaining agreements, memoranda of understanding, compensation plans, statutes, administrative rules, administrative procedures, and policies that present barriers to the needs of state agencies to efficiently and effectively mobilize and deploy their workforce during this peacetime emergency. When circumstances allow, Minnesota Management and Budget will work in partnership with the labor unions affected by any adjustments to the provisions of collective bargaining agreements or memoranda of understanding.

For these reasons, I order as follows:

1. I authorize and direct the Commissioner of Management and Budget to develop and implement a policy to provide paid leave to executive branch employees who must be absent from work for reasons related to COVID-19, including but not limited to caring for their children due to school closure due to COVID-19. "Executive branch employees" for these purposes includes all employees of agencies in the executive branch, as defined in Minnesota Statutes 2019, section 43A.02, subdivision 22, except for employees of constitutional offices. "Executive branch employees" also includes all employees of the Minnesota State Retirement System, the Public Employees Retirement Association, the Teacher's Retirement Association, and the Minnesota State Colleges and Universities system. Paid COVID-19 leave pursuant to this policy must be available effective beginning March 18, 2020 and continue until the peacetime emergency is terminated. The Commissioner of Management and Budget is directed to assist constitutional offices to also adopt COVID-19 related leave for their employees.

2. I authorize and direct the Commissioner of Management and Budget to suspend the 35-day waiting period necessary for new insurance-eligible executive branch employees to receive the insurance coverage provided in the applicable collective bargaining agreement or compensation plan.

3. With respect to all collective bargaining agreements entered pursuant to Minnesota Statutes 2019, section 43A.06, subdivision 1(c) and section 179A.22, subdivision 4, and all compensation plans established pursuant to Minnesota Statutes 2019, section

43A.18, subdivisions 2, 3, 3a, 3b and 4(c), and section 62V.05, subdivision 1(b)(1), to ensure state agencies are able to timely and effectively mobilize their workforce to address the peacetime emergency, this Executive Order suspends, for the duration of the peacetime emergency, all provisions regarding: limitations on the appointing authority's ability to determine employee work schedules and hours of work; notice periods for changes in work schedules, work hours, or work locations; limitations on supervisor rescission of vacation approval; seniority requirements for filling vacancies, reassignment, or distribution of overtime or on-call work; restrictions on appointment, assignment or reassignment; and notice requirements for seasonal layoff and recall. For the duration of the peacetime emergency, executive branch employees are subject to the scheduling and assignment decisions and work direction of their appointing authority.

4. To the extent it becomes necessary to protect health and safety, perform or facilitate emergency response and recovery efforts, and minimize the impact of the peacetime emergency on government operations, I authorize and direct the Commissioner of Management and Budget, in consultation with state agencies, to transfer the direction, personnel, and/or functions of state agencies, including but not limited to redeploying executive branch employees from one state agency to another state agency, and between job classifications.

5. I direct the Commissioner of Management and Budget to review Minnesota Management and Budget's statewide policies, administrative procedures, and administrative rules, and the collective bargaining agreements, memoranda of understanding, and compensation plans, to determine whether their provisions unnecessarily impede the ability of state agencies to efficiently and effectively address this peacetime emergency. I authorize the Commissioner of Management and Budget, to the extent he deems necessary, to temporarily suspend such provisions during the peacetime emergency. Upon approval by the Executive Council, this Order suspends the requirement to comply with the rulemaking provisions of the Administrative Procedure Act for any necessary deviations from administrative rules adopted pursuant to Minnesota Statutes 2019, section 43A.04, subdivision 3. Upon approval by the Executive Council, this Order suspends the requirement to provide notice and comment prior to implementation for any necessary deviations from administrative procedures adopted pursuant to Minnesota Statutes 2019, section 43A.04, subdivision 4.

6. To further reduce barriers to timely staffing so state agencies can efficiently and effectively address this peacetime emergency, upon approval by the Executive Council, this Order suspends the 21-day posting requirement for classified managerial positions provided in Minnesota Statutes 2019, section 43A.10, subdivision 2c(b), and waives the 45-day limitation on employment in and length of emergency appointments in Minnesota Statutes 2019, section 43A.15, subdivision 2.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, this Executive Order is effective immediately. 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 17, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Filed on March 17, 2020
Office of the Minnesota
Secretary of State,
Steve Simon