STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-21

Clarifying Application of Executive Order 20-07 to Allow for Coverage of Employees of Constitutional Officers

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:

On March 17, 2020, I issued Executive Order 20-07 directing the Commissioner of Management and Budget to develop and implement a policy to provide leave to executive branch employees. Questions have arisen regarding the applicability of Executive Order 20-07 to the employees of constitutional officers who request that their employees be included in the policy.

For these reasons, I order as follows:

1. Paragraph 1 of Executive Order 20-07 is amended by the following additions (indicated by underlined text):

   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. <u>The constitutional officers are expressly authorized at their discretion to adopt COVID-19 leave for their classified and unclassified employees. Amendments to their compensation plans may specify that classified employees are covered by the plan solely for the purpose of COVID-19 Leave</u>

provisions, and that such provisions will expire when the peacetime emergency is lifted.

2. Paragraph 2 of Executive Order 20-07 is amended by the following additions (indicated by underlined text):

   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, including the employees of the constitutional offices, to receive the insurance coverage provided in the applicable collective bargaining agreement or compensation plan.

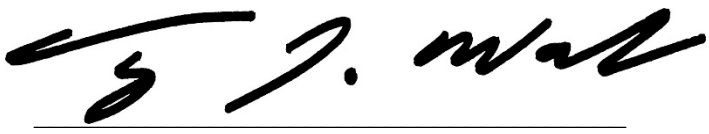
3. Paragraph 4 of Executive Order 20-07 is amended by the following additions (indicated by underlined text):

   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. The constitutional officers, at their discretion and determination, are expressly authorized to transfer the direction, personnel, and/or functions of their offices, including but not limited to redeploying employees within their officers or to another state agency, and between job classifications.

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.

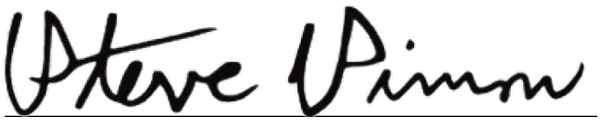
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on March 27, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on March 27, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed March 27, 2020
Office of the Minnesota
Secretary of State,
Steve Simon