

Executive Orders

The governor has the authority to issue written statements of orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Executive Department

Office of the Governor

Emergency Executive Order 01-11 Providing for Assistance to Patients and Residents in State Regional Treatment Centers, Veterans Homes, and Community-Based Residences of the State of Minnesota

I, JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Department of Employee Relations and the Bureau of Mediation Services have received notices issued by the American Federation of State, County and Municipal Employees ("AFSCME") and the Minnesota Association of Professional Employees ("MAPE") stating an intent to strike as of an unspecified date or dates; and

WHEREAS, AFSCME and MAPE have notified the Department of Employee Relations and Bureau of Mediation Services that the current contracts have expired and that the unions do not wish to continue the existing contracts after 6:00 a.m., October 1, 2001; and

WHEREAS, the AFSCME and MAPE employees commenced their strike at 6:00 a.m., October 1, 2001, and

WHEREAS, as a consequence of the strike, certain State regional treatment centers, veterans homes and nursing homes, schools, community based residences and other state-operated facilities face a critical shortage of direct care personnel to ensure the health and safety of the vulnerable citizens in the care of the State of Minnesota; and

WHEREAS, the above-referenced direct care personnel provide essential life, safety and healthcare to the persons served at such facilities; and

WHEREAS, the absence of direct care personnel presents an immediate threat to the health, welfare and safety of the persons served at the referenced facilities; and

WHEREAS, the Commissioner of the Minnesota Department of Human Services and the Chairman of the Minnesota Veterans Home Board and other state agencies, boards, commissions and entities have prepared strike response plans indicating their essential service and personnel needs to provide essential life, safety and health care to the persons served at the above referenced facilities in the event of a strike; and

WHEREAS, the Minnesota Commissioners of Administration and Employee Relations have reviewed and approved such strike response plans; and

WHEREAS, the Minnesota Commissioners of Administration and Employee Relations have requested assistance from the Governor to implement the strike response plans to ensure provision of essential care and services to the persons served by the above referenced facilities in the event of a strike; and

WHEREAS, temporary assignment of State of Minnesota employees and the deployment of personnel from the Minnesota National Guard will be needed to avoid a breakdown in the essential care of patients in the above referenced facilities in the event of a strike; and

WHEREAS, the training of personnel to carry out this function has been undertaken in due course to ensure proper health care, safety and welfare for the patients in the above referenced facilities in the event of a strike.

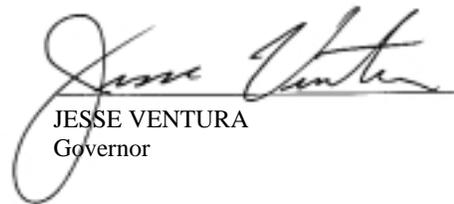
NOW, THEREFORE, I hereby order that:

1. The strike response plans of the Minnesota Department of Human Services, Minnesota Veterans Home Board and other state agencies, boards, commissions and entities approved by the Commissioners of Administration and Employee Relations be implemented to provide essential life, safety and health care to the persons served by the above referenced facilities in the event of a strike.

2. State agencies and State employees will cooperate and assist the Minnesota Departments of Administration and Employee Relations in the implementation of the State of Minnesota Strike Contingency Plan and the strike contingency response plans approved by the Minnesota Commissioners of Administration and Employee Relations.
3. Pursuant to *Minnesota Statutes* §12.21, Subd. 3(10), AFSCME bargaining unit employees who work during this emergency, shall be compensated consistent with salary schedules, salary grids, progression provisions and equipment differential provisions of the Agreement between the Minnesota State Employees Union, AFSCME, Council No. 6, AFL-CIO and the State of Minnesota in effect prior to its cancellation at 6:00 a.m., on October 1, 2001. All other terms and conditions of employment for such employees shall be as provided in the Commissioner's Plan established pursuant to *Minnesota Statutes* §43A.18, Subd. 2.
4. Pursuant to *Minnesota Statutes* §12.21 Subd. 3(10), for MAPE bargaining unit employees who work during this emergency, shall be compensated consistent with salary schedules, salary grids and progression provisions of the Agreement between the Minnesota Association of Professional Employees and the State of Minnesota in effect prior to its cancellation at 6:00 a.m., on October 1, 2001. All other terms and conditions of employment for such employees shall be as provided in the Commissioner's Plan established pursuant to *Minnesota Statutes* §43A.18, Subd. 2.
5. The Adjutant General of Minnesota order to state active duty, on or after September 30, 2001 such elements of the military forces of the State, as required, for the purpose of providing for security, and for essential life, safety and health care to the persons served at the above referenced facilities at the time of any strike.
6. The Adjutant General is authorized to purchase, lease, or contract goods or services necessary to accomplish the mission.
7. The cost of training, subsistence, transportation, fuel, pay and allowances of said military personnel shall be defrayed from the general fund of the State, as provided for generally and in particular in *Minnesota Statutes* 2000, Sections 192.49, Subd. 1; 192.52, and 192.54.

Pursuant to *Minnesota Statutes* 2000, sections 4.035, Subd. 2, this Order is effective September 30, 2001 and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 2000 section 4.035, Subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this first day of October 2001.



JESSE VENTURA
Governor



MARY KIFFMEYER
Secretary of State