

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Executive Order 24-01; Rescinding Executive Order 19-23

Directing the Development and Maintenance of the Minnesota Continuity of Government Plan and Agency Continuity of Operations Plans

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:

Government is instituted for the security, benefit, and protection of the people, and the Governor is required to take care that the laws be faithfully executed. Emergencies and disasters can interrupt government operations and hinder the ability of the State to deliver critical priority services to the people of Minnesota. The State of Minnesota must be prepared to sustain and restore government and government services in a timely and effective manner.

The Continuity of Government Plan (“COG”) addresses the succession of governmental leadership, the survivability of state-level constitutional and democratic government, and State Essential Functions (“SEF”). To ensure the State’s wellbeing, the leaders of the State are responsible for providing SEF at all times, including during and after a crisis.

The Continuity of Operations Plan (“COOP”) addresses continuation of critical priority services after a disruption of normal activities.

The State maintains a comprehensive and effective COG that provides the framework for the continuation of SEF under all circumstances and COOPs that provide for the continuation of priority services during any incident, emergency, or disaster that may disrupt normal operations.

For these reasons, I order that:

1. In this Executive Order, “agency” refers to each department, independent division, bureau, board, commission, and independent institution of state government. Each agency will carry out the COG, COOP, and other preparedness responsibilities described in this executive order. The head of each agency is accountable for the execution of the responsibilities described in this executive order and must commit the resources necessary for the development and maintenance of continuity plans and preparations.

2. Minnesota Management and Budget is designated as the lead agency for continuity planning and program coordination.
3. Minnesota Management and Budget will direct the State's response during continuity emergencies impacting agencies or facilities.
4. The Continuity Policy Coordination Sub-Cabinet ("Sub-Cabinet") is continued, and consists of the commissioner, or commissioner's designees, of the following agencies:
 - a. Department of Administration ("Admin")
 - b. Minnesota Management and Budget ("MMB")
 - c. Minnesota IT Services ("MNIT")
 - d. Department of Public Safety ("DPS")
5. The commissioner of MMB will continue as Chair and may designate additional Sub-Cabinet members as necessary.
6. The purpose of the Sub-Cabinet is to maintain a framework for the COG and oversee agency COOP planning.
7. The commissioner of MMB will designate an Enterprise Continuity Director.
8. The Enterprise Continuity Director will identify opportunities for collaboration on the COG with representatives of the judicial branch, the legislative branch, and the Offices of the Secretary of State, the State Auditor, and the Attorney General. To advance the State's response during continuity emergencies, the Enterprise Continuity Director will collaborate with these representatives to provide information and assistance for continuity planning and program coordination.
9. MMB will provide administrative support including, but not limited to, personnel necessary to perform the duties and responsibilities of the Sub-Cabinet. Participating agencies will assist in providing any additional administrative support requested by the Sub-Cabinet.
10. MMB will:
 - a. Manage the State's emergency paid leave authorization during continuity emergencies requiring office closures.
 - b. Coordinate the reassignment of state employees between agencies during continuity emergencies.
 - c. Provide coordination of emergency messaging to agency employees during continuity emergencies.

- d. Communicate with union officials and appropriate representatives proactively to reduce disruption of state service delivery by employees during a continuity emergency.
 - e. Develop options to sustain staffing at agencies during a continuity emergency.
- 11. MNIT will maintain information technology disaster recovery plans that align with the priorities and recovery timelines of agency priority services to ensure the State is adequately managing the risk of system and service interruptions.
- 12. Admin will:
 - a. Coordinate and contract for alternate facilities for use by agencies. Upon request by Admin, agencies not impacted by the continuity emergency will coordinate with Admin to provide space to an impacted agency.
 - b. Assist state agencies with the procurement of goods and services through the Office of State Procurement.
 - c. Provide resource management assistance to agencies through the operation of mail services and the Facilities Management Division.
- 13. DPS will:
 - a. Provide guidance to MMB on public safety considerations during a continuity incident.
 - b. Provide 24-hour support through the on-call duty officer to receive calls from agencies to alert the Sub-Cabinet of a continuity incident.
- 14. Agencies will designate a continuity coordinator charged with coordinating the development of agency-specific COOPs and support of the COG.
- 15. Agencies will ensure that continuity coordinators earn and maintain a Continuity Professional Certification issued by at least one of the following recognized and accredited organizations:
 - a. DRI International
 - b. Business Continuity Institute
 - c. Federal Emergency Management Agency
- 16. Each agency will plan to support the COG in a manner and form prescribed by MMB.

17. Continuity of Operations Plans will be consistent with federal continuity directives and guidance, as well as guidance adopted by the State, to the extent possible. Agency COOPs will address:
- a. Critical priority services: The limited set of agency functions that must be continued throughout, or resumed rapidly after, an interruption of normal activities.
 - b. Order of succession: Provisions for the assumption of leadership or other key positions during an emergency in the event that any of the incumbents are unavailable to execute their duties.
 - c. Delegation of authority: Delegation of statutory, other legal authority, or decision-making power to subordinates in the event that any of the incumbents are unavailable to execute the authority.
 - d. Alternate facilities: Locations from which leadership and others may operate during a continuity event if their primary facility is unavailable. These may include one or more alternate facilities, virtual offices, or telework locations from which to continue priority services.
 - e. Continuity communications: Plans, procedures, and systems that support information sharing and connectivity between leadership, employees, and other organizations and partners to perform priority services during a continuity emergency.
 - f. Essential records management: Identification, protection, and availability of information systems and applications, electronic and hardcopy data, documents, references, and records needed to support priority services during a continuity emergency.
 - g. Human resources considerations: Policies, plans, and procedures that address human resources needs during a continuity incident, such as guidance on pay, leave, work scheduling, benefits, telework, and hiring.
 - h. Plan training, exercising, and evaluation: Policies, plans, and procedures that address training and exercising of agency plans and employees to enhance continuity readiness.
 - i. Reconstitution: The process by which an agency and its employees resume normal operations from the agency's original facility or at a replacement facility following the loss of a facility during a continuity emergency.
 - j. Continuity requirements for third parties providing or supporting SEF and priority services: The responsibilities of third party organizations are to support an agency's SEF and priority services during a continuity emergency.

- k. Policies, plans, and procedures: Documentation on how an agency will execute its responsibilities assigned by this order.
 - l. Incident command/crisis management: Strategies and procedures outlining how an agency will manage a significant continuity emergency.
18. MMB, in consultation with the Sub-Cabinet, will implement the use of a centralized continuity management software tool. A single tool will improve continuity planning by using common terminology, planning templates, and information sharing. Cabinet and other agencies meeting criteria defined by MMB will use this tool. The option to use this tool will be offered to all agencies.
 19. MMB, in consultation with the Sub-Cabinet, will implement the use of a centralized employee mass notification tool. A single tool will allow messages to be sent to employees across multiple agencies and locations. Agencies currently using employee mass notification tools will transition to the central tool in a reasonable time defined by MMB. This requirement does not affect use of notification tools for purposes other than the mass notification of emergency information to employees, such as communication with members of the public.
 20. The commissioner of MMB will distribute this Executive Order to all agencies and ensure that its provisions are implemented.
 21. Executive Order 19-23 is rescinded.

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State. It will remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statutes 2023, section 4.035, subdivision 3.

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 January 18, 2024.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

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Office of the Minnesota
Secretary of State
Steve Simon