



STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

Number 40

**AN ORDER AMENDING EXECUTIVE ORDER NO. 4, AS AMENDED,
RELATIVE TO STATE EMPLOYEES THAT ARE MEMBERS OF THE
RESERVE OR NATIONAL GUARD AND HAVE BEEN CALLED TO FULL
TIME MILITARY DUTY OR OTHER FULL TIME DUTY**

WHEREAS, members of the Reserve Components of Armed Forces of the United States of America have been ordered to active duty by the President of the United States or under the authority of a Governor in support of an operation undertaken in response to the terrorist attacks that occurred on September 11, 2001, and in support of subsequent operations that have been undertaken or that will be undertaken prior to the expiration of this executive order, including but not limited to Enduring Freedom, Joint Endeavor, Noble Eagle and Iraqi Freedom (collectively "the Operations"); and

WHEREAS, as part of these operations, certain Reserve units and National Guard units have been, or will be, called to active military duty by the President of the United States or under the authority of a Governor; and

WHEREAS, the Governor mobilized certain units of the Army and Air National Guard into state active service in concert with the Emergency Management Assistance Compact, codified at Tennessee Code Annotated Section 58-2-403, and pursuant to Title 32 United States Code Section 502(f) to provide disaster recovery assistance to states affected by Hurricane Katrina; and

WHEREAS, the Governor has mobilized certain members of the Army and Air National Guard into active duty in support of Operation Jumpstart pursuant to Title 32 United States Code Section 502(f) to provide assistance to the United States Border Patrol; and

WHEREAS, it is appropriate for the State of Tennessee to continue to support the United States of America and its efforts in the Operations, to continue to provide support to those states devastated by the effects of Hurricane Katrina, and to provide support for Operation Jumpstart; and

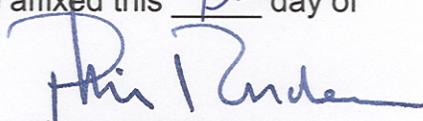
WHEREAS, a number of employees of the State of Tennessee who serve in the United States Armed Forces as a part of the Reserve and National Guard have been called to active military duty as a part of the Operations or are subject to being called into active duty as a part of the Operations and in support of the recovery efforts for states devastated by Hurricane Katrina. Similarly a number of employees of the State of Tennessee have been called into active duty to provide support for Operation Jumpstart; and

WHEREAS, the benefits which were established for state employees by Executive Order No. 4, as amended by Executive Order No. 9, Executive Order No. 12, Executive Order No. 17, Executive Order No. 20, and Executive Order No. 26, were scheduled to expire on August 31, 2006;

NOW THEREFORE, I, Phil Bredesen, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, do hereby order and direct the following:

1. The provisions of Executive Orders No. 4, No. 9, No. 12, No. 17, No. 20 and No. 26, dated February 22, 2003, April 21, 2003, September 11, 2003, February 28, 2004, October 29, 2004, and September 1, 2005, respectively, are hereby amended to the extent necessary to provide for an additional one year of special leave with partial pay to be granted to those members of each department in the Executive Branch of state government who are called to active duty by the President of the United States or under the authority of a governor to support the Operations.
2. The provisions of Executive Orders No. 4, No. 9, No. 12, No. 17, No. 20 and No. 26, dated February 22, 2003, April 21, 2003, September 11, 2003, February 28, 2004, October 29, 2004, and September 1, 2005, respectively, are hereby further amended to the extent necessary to provide for one year of special leave with partial pay to be granted to those members of each department in the Executive Branch of state government who are called into state active service in concert with the Emergency Management Assistance Compact, codified at Tennessee Code Annotated Section 58-2-403, and pursuant to Title 32 United States Codes Section 502(f) in order to provide disaster recovery assistance to states affected by Hurricane Katrina.
3. The provisions of Executive Orders No. 4, No. 9, No. 12, No. 17, No. 20 and No. 26, dated February 22, 2003, April 21, 2003, September 11, 2003, February 28, 2004, October 29, 2004, and September 1, 2005, respectively, are hereby further amended to the extent necessary to provide for one year of special leave with partial pay to be granted to those members of each department in the Executive Branch of state government who are called for active duty in concert with Operation Jumpstart, pursuant to Title 32 United States Code Section 502(f).

IN WITNESS WHEREOF, I have subscribed by signature and caused the Great Seal of the State of Tennessee to be affixed this 15th day of August, 2006.


GOVERNOR

ATTEST:

SECRETARY OF STATE

