



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

March 12, 2024

TO: The Honorable Ben Barnes  
Chair, Appropriations Committee

FROM: Marc Elrich  
County Executive

RE: House Bill 1402, *Montgomery County – State’s Attorney’s Office Personnel – Application of County Personnel Laws and Collective Bargaining (MC 12-24)*  
Support with Amendments

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I am writing to express my support for House Bill 1402, *Montgomery County – State’s Attorney’s Office Personnel – Application of County Personnel Laws and Collective Bargaining (MC 12-24)*. This bill grants collective bargaining rights to certain employees of the State’s Attorney’s Office (SAO). The Montgomery County House Delegation voted favorable on the bill with amendments that strike the existing language in the bill and substitute new language that establishes a comprehensive collective bargaining framework. The amendments give non-probationary SAO employees, including nonsupervisory Assistant State’s Attorneys (ASAs), the right to organize and bargain collectively under the County’s collective bargaining laws for compensation, pension for active employees, fringe benefits, hours, and terms and conditions of employment such as performance evaluation procedures. Disputes over certain matters arising between the bargaining representative and the State’s Attorney must also be resolved as outlined in existing County law governing collective bargaining for County employees.

The amendments specify that SAO employees, including nonsupervisory ASAs, are by default subject to the County’s merit system. However, SAO employees may be excluded from the merit system provisions through collective bargaining. The County Executive is considered the employer for the purpose of bargaining for compensation, pension, fringe benefits, and hours of employment. The State’s Attorney is considered the employer for the purpose of bargaining for all other terms and conditions of employment. If a single bargaining representative represents both County employees and SAO employees, the terms and conditions of employment for any current and subsequent agreement regarding County employees apply to SAO employees, unless different terms and conditions are negotiated by the State’s Attorney. The bill envisions one master collective bargaining agreement covering County employees and SAO employees, with any bargaining provisions that relate only to SAO employees included as an addendum to the master agreement.

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Any funding required for a collective bargaining agreement is subject to the budget and fiscal policies of the County. Finally, the amendments specify that, unless there is an exception in the County merit system and personnel law, the provisions of the bill do not impair certain rights and responsibilities of the State's Attorney.

I support House Bill 1402 as amended by the Montgomery County House Delegation and respectfully request that the Appropriations Committee give the bill a favorable report with those amendments.

cc: Members of the Appropriations Committee