



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Richard S. Madaleno
Chief Administrative Officer

March 27, 2024

TO: The Honorable Pamela Beidle
Chair, Finance Committee

FROM: Richard S. Madaleno
Chief Administrative Officer

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

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)*. The bill creates a comprehensive collective bargaining framework for certain employees of the State’s Attorney’s Office (SAO). Specifically, the bill gives non-probationary SAO employees, including nonsupervisory Assistant State’s Attorneys (ASAs), the right to organize and bargain collectively under the Montgomery 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 bill specifies 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 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 would 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 bill specifies 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 and respectfully request that the Finance Committee give the bill a favorable report.

cc: Members of the Finance Committee