

2024-0312 Testimony HB1402 Montgomery County State

Uploaded by: John Kilker

Position: FAV



Gino Renne, President
Lisa Blackwell-Brown, Secretary-Treasurer
Lisa Titus, Recorder

UFCW Local 1994 MCGEO
600 S. Frederick Avenue, Suite 200
Gaithersburg, Maryland 20877
Office (301) 977-2447 • Fax (301) 977-6752

Testimony of John Kilker, Senior Representative/Legislative Assistant, UFCW Local 1994
MCGEO in support of

HB1402 – Montgomery County – State’s Attorney’s Office Personnel – Application of County
Personnel Laws and Collective Bargaining

During the summer of 2023, a group of Montgomery County State’s Attorney’s Office employees contacted our Union to discuss the prospect of securing collective bargaining rights. The compelling reason for their interest in collective bargaining was to secure a voice in their workplace and a seat at the table during the County’s budget process.

Unfortunately, these attorneys and their coworkers do not have a legal avenue to secure that voice. And they won’t unless you pass HB 1402.

We strongly urge that you consider a fundamental human right – the right to a voice in your workplace – when considering this bill. The employees of the State’s Attorney’s office are no less deserving of collective bargaining than any other employee, whether it be public defenders, health professionals, social workers and most other Maryland public employees.

In talking to these dedicated professionals, we learned that they have no workplace protection and no due process if they make a mistake. They have no written employment policy. They are forced to work long hours without appropriate compensation which impairs their mental and physical well-being.

They have seen a huge turnover in their staff over the past several years and continue to experience unprecedented recruitment and retention challenges. The staff are trying to manage oppressive workloads while their wages are falling behind the market. Unionization can provide these employees with the means to address these and other employment problems.

Unionization can offer legal protections against unfair labor practices, discrimination, and wrongful termination. States’ attorneys may feel more secure in their positions knowing they have the backing of a union to advocate for their rights, allowing them to better represent victims and their families.

Through collective bargaining, states’ attorneys can have a voice in shaping budgets that enhance their profession and the criminal justice system in Montgomery County.

This legislation establishes a legal right for the employees of the State’s Attorney’s Office to decide through a prescribed process whether they wish to be represented by a labor union and engage in collective bargaining—a right that should not be denied!

We urge you to pass Bill 1402 and give these employees their fundamental right to a voice on the job.

Thank you.

Vice Presidents:

Melba Chavarria • Thomas Coulter • Joseph Dickson • Audra Dugue • Cassandra Harper
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HB 1402 - MoCo_Madaleno_FAV (Senate) (GA 24).pdf

Uploaded by: Richard Madaleno

Position: FAV



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.

The Honorable Pamela Beidle

Re: House Bill 1402

March 27, 2024

Page 2

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