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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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SB 255
State Personnel Management System – Office of the Public Defender
Placement and Collective Bargaining

Good Afternoon Chair Kelley, Vice Chair Feldman and Members of the Finance Committee:

SB 255 makes changes to the employment status of the attorneys in the Office of the Public Defenders from the classification "special appointee" to the more appropriate "professional service" under the State Personnel Management System. They go from being at will to having the same rights and protections that other state employees in professional service have.

SB 255 adds the OPDs to the list of State agencies that are covered under collective bargaining. This is enabling legislation, once passed the OPD employees will still need to do an election with the State Labor Relations Board to certify a collective bargaining unit to represent them.

A minor technical amendment is needed, in the drafting process a sentence was stricken that prohibits the attorneys in the office from engaging in private practice. I will have an amendment prepared to remove the prohibition.

Collective bargaining for OPD's is allowed in 19 other states. It's beyond time that our Maryland OPD attorneys and employees have the same due process that most other State employees have. The reason the OPD's do not currently have collective bargaining dates back to 1996 when an executive order from the Governor directed that all agencies covered by his direct control would be covered by collective bargaining. OPD's are considered independent, since 1998 independent agencies have been largely added by piecemeal. It's time to allow OPDs to have the right to collective bargaining.

Thank you for the opportunity to present SB255, and I respectfully request a favorable report.