

**Memorandum of Understanding  
Between  
Office of the State Public Defender  
Attorneys  
And  
American Federation of State, County and Municipal Employees  
(AFSCME) Council 9**

This memorandum of understanding is entered into by the Office of the State Public Defender herein referred to as (OSPD), and the American Federation of State, County and Municipal Employees, herein referred to as the Union.

The OPD and the Union agree to modify the collective bargaining agreement between AFSCME and the OSPD labor agreement 2017/2019.

The Oil Patch Rent Allowance Program is available to individuals employed in essential and difficult recruitment and retention positions/classifications located within the following counties of Custer, Dawson and Valley affected by oil activities.

In accordance with the Natural Resource Energy Development Impact Policy Section D (1) Housing Allowance Payments, OSPD has established a rental allowance program to offer some relief to the workforce challenges. These procedures are applicable to new and current employees.

Employees who **rent** a permanent residence within the following counties of Custer, Dawson and Valley are eligible to apply for the Oil Patch Rent Allowance Program and upon approval will be given up to \$500 (five hundred dollars) each month to offset housing liabilities.

The rental allowance agreement is void and the rent allowance payment will be discontinued once an employee terminates employment with OSPD, transfers to another OSPD Region or is no longer renting. The employee must notify his/her Regional Deputy Public Defender and Human Resources to stop the rental allowance. The employee is responsible for repaying excess allowance once the agreement has ended.

**PROCEDURE:**

Employee must submit a completed, signed rental or lease agreement and complete an OSPD request for rental allowance application. The completed rental or lease agreement and request for rental allowance application must be submitted to Human Resources for approval. Expected turnaround for approval is five business days. The following information must be included on the rental or lease agreement:

- Employee's name
- Rental Company/Landlord name
- Rental Company/Landlord address
- Amount of rent

#### Effective date of lease

Rental allowance approvals are in effect for twelve months from the signature date of Central Office approval. To renew a rental allowance request, the employee must submit a new application at least 30 days prior to the renewal date.

Monthly verification of rent payment is required. Documentation needs to be received by Human Resources by the tenth calendar day of the month. Acceptable documentation includes the following:

Travel Expense Report supplemented by one of the following:

- Receipt from the rental company including name and address of rental property, date and amount OR,
- Cancelled check OR,
- Copy of money order

#### **OTHER:**

All payments for rental allowance are taxable as required by IRS regulations. The rental allowance expenses and applicable taxes will be processed on the first pay period ending following the 10<sup>th</sup> of the month.

Continuation of the Rent Allowance Program depends upon rental market conditions; recruitment and retention difficulties; the employee is no longer impacted by the economic conditions and/or availability of OSPD funding. Payment amounts can change due to a number of circumstances such as a decrease dollar amount in rent/lease agreement or inadequate funding within the OSPD budget. This program can be eliminated and/or the agreement can be rescinded at any time with a thirty (30) day notice to the impacted employee(s). The Regional Deputy Public Defender, the Chief Public Defender and the Administrative Director will validate the need to continue this program at least semi-annually.

The rent allowance is intended for individual/family housing needs and shall not be used for shared/sublet housing arrangements. An investigation may be conducted at any time, to ensure this policy is followed as intended.

Any violation of the Oil Rent Allowance Program may nullify the rental allowance and may lead to disciplinary action.

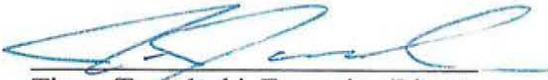
All exceptions must be justified, documented and presented to the Chief Public Defender for approval or denial.

A committee comprising of AFSCME, and Management members will be established to review this agreement every 3 months and modify when deemed necessary.

This agreement will sunset June 30, 2019.

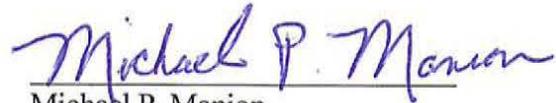
DATED this 21<sup>st</sup> day of November 2017

FOR: AMERICAN FEDERATION OF  
STATE, COUNTY, AND MUNICIPAL  
EMPLOYEES, COUNCIL NO. 9

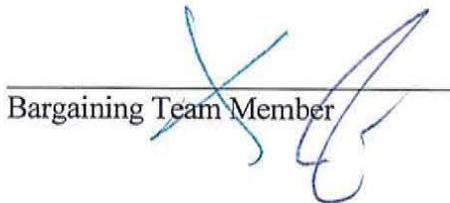


Timm Twardoski, Executive Director  
Council No. 9

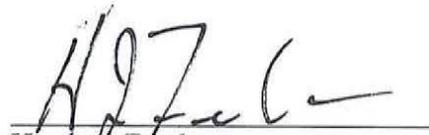
FOR: STATE OF MONTANA



Michael P. Manion  
State Office of Labor Relations



Bargaining Team Member

  
Harrison Freebourn  
Director