

MEMORANDUM OF UNDERSTANDING
BETWEEN
STATE OF MONTANA
OFFICE OF THE STATE PUBLIC DEFENDER ATTORNEYS
AND
THE AMERICAN FEDERATION OF STATE, COUNTY,
AND MUNICIPAL EMPLOYEES, COUNCIL 9

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

This memorandum of understanding modifies the 091 collective bargaining agreement for 2017-2019, specifically the Addendum A – Pay Plan, Subsection 8, which currently reads:

Subsection 8 – Relevant experience.

- (a) All experience employed by the OPD will be credited on a year-for-year basis.
- (b) All experience employed as a full-time public defender in a public defender office will be credited on a year-for-year basis.
- (c) Previous experience as a full time criminal defense attorney will be credited on a half-year for each year of experience.
- (d) Previous experience employed as a full-time prosecutor will be credited a half-year for each year of experience.
- (e) All previous civil or law clerk experience will be credited on a quarter-year for each year of experience.
- (f) The maximum credit an employee may receive for previous experience under these subsections (b) through (e) will be five years. Credit will not be given for any other work experience. In calculating credit under this subsection, only time as a licensed attorney will be counted, and only one subsection can apply for any one year (the highest number).

The new language for Subsection 8 – Relevant experience will be revised to provide credit for applicants who have judicial experience, while also being a licensed attorney. Credit will be given at .25 years of credit for each year of experience up to July 1, 2015. The new language will read:

Subsection 8 – Relevant experience.

- (a) All experience employed by the OPD will be credited on a year-for-year basis.
- (b) All experience employed as a full-time public defender in a public defender office will be credited on a year-for-year basis.
- (c) Previous experience as a full time criminal defense attorney will be credited on a half-year for each year of experience.
- (d) Previous experience employed as a full-time prosecutor will be credited a half-year for each year of experience.
- (e) All previous civil or law clerk experience will be credited on a quarter-year for each year of experience.
- (f) **All previous judicial experience, while a licensed attorney, will be credited on a quarter-year for each year of experience, up to July 1, 2015.**

- (g) The maximum credit an employee may receive for previous experience under these subsections (b) through (e) will be five years. Credit will not be given for any other work experience. In calculating credit under this subsection, only time as a licensed attorney will be counted, and only one subsection can apply for any one year (the highest number).

This Memorandum of Agreement will sunset on June 30, 2019.

DATED: This 23rd day of May, 2018.

Rhonda Schaffer

Rhonda Schaffer (May 23, 2018)

Rhonda Schaffer, Director
Office of State Public Defender

Timm Twardoski

Timm Twardoski (May 22, 2018)

Timm Twardoski, Executive Director
AFSCME Council 9

Michael P. Manion

Michael P. Manion (May 23, 2018)

Michael P. Manion, Chief
State Office of Labor Relations

Daniel Miller

Daniel Miller (May 23, 2018)

Daniel Miller, Conflict Defender Division Administrator
Office of State Public Defender

Peter Ohman

Peter Ohman, Public Defender Division Administrator
Office of State Public Defender