

MEMORANDUM OF UNDERSTANDING
by and between
State of Montana
Office of the Public Defender
and
AFSCME

This Memorandum of Understanding (MOU) is between the State of Montana, Office of the Public Defender (OPD), hereinafter referred to as “Employer”, and AFSCME Local #3448, hereinafter referred to as “Union”.

This MOU establishes two types of recruitment incentives for “hard to fill” Attorney 2 positions located in the OPD offices of Glendive or Miles City. The incentives, as described below, provide a payment of up to \$7,500 per eligible attorney.

An eligible attorney may qualify for one of the following incentives:

- **Hiring Incentive** – for individuals newly hired into eligible positions at one of the designated locations.
- **Relocation Incentive** – for current OPD employees who are willing to relocate to an eligible position in one of the designated locations.

Hiring Incentive

To qualify, the candidate must:

- Be hired into a permanent, full-time Attorney 2 position located in the Glendive or Miles City OPD office; and
- Remain employed in that position and qualifying location for at least 12 months from the hire date.

Payment Schedule:

- \$1,000 – with the first paycheck.
- \$1,500 – after 6 months of continuous, full-time employment.
- \$5,000 – after 12 months of continuous, full-time employment.

Relocation Incentive

To qualify, the candidate must:

- Transfer within OPD to a permanent, full-time Attorney 2 position located in the Glendive or Miles City OPD office; and
- Remain employed in that position located in Glendive or Miles City OPD office for at least 12 months from the transfer date.

Payment Schedule:

- \$2,500 – after 6 months of continuous, full-time employment in one of the eligible locations.
- \$5,000 – after 12 months of continuous, full-time employment after transferring to one of the eligible locations.

The following disclaimers may apply to either the hiring incentive or the relocation incentive, or both:

- If an employee that is eligible for incentive payments (hiring or relocation) moves into another position or OPD office location that is not eligible for an incentive, the employee will no longer be eligible to receive any remaining incentive payments. No prorated payments will be made if employment ends or eligibility changes before the scheduled payment.
- Qualifying individuals are only eligible for one incentive while this program is in place and will not receive another incentive if they terminate employment and are subsequently rehired, or if they transfer to another attorney position in another eligible location.
- Qualifying individuals who receive a full \$7,500.00 incentive are not eligible for any other bonus payments or programs in the same fiscal year.
- Incentive payments are considered wages, and all applicable taxes and withholdings will be made. To receive payment, individuals must be employed in a qualifying position in a qualifying location when the incentive payment is due.
- If there is an issue that is not addressed in this MOU that creates ambiguity about the eligibility of a hiring or relocation incentive, management has the discretion to make the final binding determination.

This incentive program is only effective for permanent, full-time attorney hires and transfers at the eligible locations after the date of this MOU. The effectiveness of this program and the available funding will be reviewed quarterly. This program may be revoked unilaterally by management with no prior notification.

THIS AGREEMENT is signed and dated this 3/10/2026.

THE STATE OF MONTANA:

Signed by:


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 Koan Mercer, Director
 Office of Public Defender

Signed by:


382E3999E2BE4DB...
 Karol Anne Davis, Chief Negotiator
 State Office of Labor Relations

THE UNION:

Signed by:


1229EA02E7BA4E8...
 Hannah Nash, Field Representative
 AFSCME