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October 30, 2024

SENT VIA ELECTRONIC MAIL

Sarah Miller Espinosa, Esq.
Labor Relations Administrator
Montgomery County, Maryland
Email: sarahmillerespinosa@gmail.com

RE: *Charge of Prohibited Practice; Failure to Provide Notice And An Opportunity to Bargain — Multilingual Pay Differential*

Dear LRA Espinosa:

The Municipal & County Government Employees Organization, UFCW Local 1994 (“MCGEO” or the “Union”) hereby files a Prohibited Practice Charge under Section 33-109(c) of the Montgomery County Code (the “Code”) against Montgomery County, Maryland (the “County”) and asks that the Labor Relations Administrator schedule an emergency hearing regarding this matter.

Within the previous six months, and in violation of Sections 33-109(a)(1) and (a)(5) of the Code, the County has failed to bargain with MCGEO and undermined MCGEO as exclusive representative of County employees. Specifically, the County unilaterally announced that it would be eliminating multilingual pay differential for certain bargaining unit members and decreasing the amount of multilingual pay differential for other bargaining unit members. The County announced these changes on or about October 22, 2024, without providing any notice whatsoever to MCGEO. The change impacts MCGEO bargaining members across many different County departments. MCGEO only learned about the changes when notified by bargaining unit members, who were understandably concerned about how the changes would affect their work lives. Some members stand to lose thousands of dollars as a result of this unlawful unilateral change.

The County’s failure to provide notice has undermined MCGEO as the bargaining representative of County employees because it has cut MCGEO out of a process that has critical implications for employees’ pay and working conditions. Without notice, MCGEO was unable to ask questions prior to implementation of the new standard and unable to seek input from

bargaining unit members about the implications of the change. It was unable to make a prior determination about whether the proposed changes were bargainable or, at the very least, to bargain over the effects of the proposed changes.

Because the County has announced that these unilateral changes will take effect on November 3, 2024, MCGEO respectfully requests that the Labor Relations Administrator treat this matter as requiring emergency attention under applicable County regulations (COMCOR § 33.103.01.01(7)). As MCGEO previously stated, it requests that the Labor Relations Administrator provide the parties with dates for a preliminary conference call to schedule a hearing as soon as possible.

MCGEO expects to gather and present further evidence of the County's violations through the investigatory process outlined in the code, which gives the Labor Relations Administrator the power to subpoena people and evidence. MCGEO reserves its right to amend this Charge or file additional charges if investigation reveals further prohibited practices committed by the County.

As you know, the County normally assigns these matters to Silvia Kinch, Esq. in the Office of the County Attorney. Her phone number is (240) 777-6700 and her email address is Silvia.Kinch@montgomerycountymd.gov. MCGEO is serving her with this Charge via email.

This office will act as representative of record for MCGEO with the contact information listed above. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'JD' followed by a horizontal line.

John Durkalski
Counsel to MCGEO

cc: Gino Renne (via email)
Silvia Kinch, Esq. (via email)