



January 8, 2025

VIA ELECTRONIC MAIL

Helene Grady  
Secretary  
Maryland Department of Budget and Management  
45 Calvert Street, 1<sup>st</sup> Floor  
Annapolis, Maryland 21401-19076  
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Re: January 9, 2025 Declared Federal Holiday

Dear Secretary Grady:

On December 31, 2024, I spoke with Senior Director of Labor Relations Dyana Forester regarding the impact of President Biden's Executive Order of December 30, 2024, declaring the closure of "all executive departments and agencies of the Federal Government" on January 9, 2025, as a mark of respect on the passing of President Carter – I was told the State was looking into the matter. Today, I was advised for the first time that it is not the intent of the State of Maryland to observe January 9 as a holiday, thus violating Article of the MPEC Memorandum of Understanding (MOU). For the reasons that follow, MPEC respectfully requests compliance with the MOU and observance of this date of honor for our deceased President.

The Executive Order in question (attached) explicitly provides that it falls within "the scope of Executive Order 11582 of February 11, 1971, and of 5 U.S.C. 5546 and 6103(b)", all of which govern holiday pay and leave for federal employees. January 9 has been "declared to be a holiday by Federal statute or Executive order" pursuant to 5 U.S.C. § 6103(b). Executive Order 11582 defines "holiday" to include "any other calendar day designated as a holiday by Federal statute or Executive order." President Biden has, in no uncertain terms, declared January 9, 2025 as a "holiday," and certainly as a "non-working day" for "all executive departments and agencies of the Federal Government."

The parties' MOU requires that in such a circumstance, bargaining unit members are to be afforded a holiday. MOU Article 7 – Holiday, Section 1. Observance, reflects the agreement of the parties that observed holidays will include "[a]ny other day proclaimed as a **holiday or non-working day by the Governor of the State of Maryland or the President of the United States of America.**" (Emphasis added)

Even assuming that the January 9, 2025 has not been declared a “holiday,” it has certainly been proclaimed as a “non-working day,” and those words must be given significance. The well-established principles of construction provide that in such interpretation, “no word, clause, sentence or phrase is rendered nugatory.” *Motor Vehicle Admin. v. Gonce*, [446 Md. 100, 125](#), (2016); *see Oglesby v. State*, 441 Md. 673, 687, 109 A.3d 1147 (2015). The proclamation of January 9 as a non-working day, but virtue of the closure of “all executive departments and agencies of the Federal Government,” requires that the date be observed as a holiday under the MOU.

President James Earl Carter, Jr., a graduate of the U.S. Naval Academy in Annapolis, has been acknowledged by Governor Moore for his “work advocating for international peace, democracy, human rights, and economic and social development,” and as an individual whose “work made the world a better place,” and whose “legacy will be remembered by generations.” Maryland State workers are entitled to honor the deceased President as intended by the current President.

Please confirm today the intent of the State of Maryland to adhere to the plain language of the parties Memorandum of Understanding. Thank you.

Sincerely,



Jerry Smith  
President

cc: Dyana Forester  
Senior Director of Labor Relations  
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