

Article - State Personnel and Pensions

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§5-309.

(a) (1) An employee subject to this subtitle may file with the Secretary a complaint that alleges a violation of § 5-305 of this subtitle.

(2) A complaint under this subtitle must be filed within 6 months after the complainant first knew of or reasonably should have known of the violation.

(b) When a complaint is received, the Secretary or designee promptly shall:

(1) send a copy of the complaint to the head of the principal unit named in the complaint; and

(2) advise the head of the principal unit to respond in writing to the complaint within 20 days after receiving the copy.

(c) Within 60 days after a complaint is received:

(1) the complaint shall be investigated to determine whether a violation of § 5-305 of this subtitle has occurred:

(i) by the Secretary or designee of the Secretary; or

(ii) if the Department is charged in the complaint, by a designee of the Governor; and

(2) the Secretary or designee or the Governor's designee shall:

(i) take the action described in subsection (d)(1) or (2) of this section; and

(ii) issue to the complainant and head of the principal unit a written decision that includes any remedial action taken.

(d) (1) If the Secretary or designee or the Governor's designee determines that a violation has not occurred, the Secretary or Governor's designee shall dismiss the complaint.

(2) If the Secretary or designee or the Governor's designee determines that a violation has occurred, the Secretary or designee shall take appropriate remedial action.

(e) As a remedial action for a violation of § 5-305 of this subtitle, the Secretary or designee may:

(1) order the removal of any related detrimental information from the complainant's State personnel records;

(2) require the head of the principal unit to:

(i) hire, promote, or reinstate the complainant or end the complainant's suspension from employment;

(ii) award the complainant back pay to the day of the violation;

(iii) grant the complainant leave or seniority;

(iv) take appropriate disciplinary action against any individual who caused the violation; and

(v) take any other remedial action consistent with the purposes of this subtitle.

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