

# HOUSE BILL 822

F2, P4

9lr1937  
CF SB 711

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By: **Delegates Hettleman, Acevero, Korman, Terrasa, Valentino-Smith, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **University System of Maryland – Regular Employees – Grievance Procedures**  
3 **and Disciplinary Actions**

4 FOR the purpose of authorizing a constituent institution of the University System of  
5 Maryland to remove, suspend, or demote a regular full-time or part-time employee  
6 who is not on probation only in accordance with certain provisions of law; requiring  
7 a constituent institution and an exclusive representative to negotiate a certain item  
8 under certain circumstances; making conforming changes; repealing obsolete  
9 language; altering a certain definition; and generally relating to grievance  
10 procedures and disciplinary actions for regular employees of the University System  
11 of Maryland.

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 12–111; and 13–201 and 13–207(a) to be under the amended subtitle  
15 “Subtitle 2. University of Maryland Regular Employee Grievance Procedures”  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume and 2018 Supplement)

18 BY adding to  
19 Article – Education  
20 Section 13–205.1  
21 Annotated Code of Maryland  
22 (2018 Replacement Volume and 2018 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
24 That the Laws of Maryland read as follows:

25 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 12-111.

2 (a) Except as otherwise provided by law, appointments of the University System  
3 of Maryland are not subject to or controlled by the provisions of the State Personnel and  
4 Pensions Article that govern the State Personnel Management System.

5 (b) In accordance with the requirements of Title 3 of the State Personnel and  
6 Pensions Article, the Board of Regents shall establish general policies and guidelines  
7 governing the appointment, compensation, advancement, tenure, and termination of all  
8 **[classified] REGULAR FULL-TIME AND PART-TIME** personnel.

9 (c) The policies established under subsection (b) of this section shall include  
10 consideration of hiring a contractual employee to fill a vacant position in the same or  
11 similar classification in which the contractual employee is employed.

12 Subtitle 2. University of Maryland **[Classified] REGULAR** Employee Grievance  
13 Procedures.

14 13-201.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) “Day” means, except as otherwise provided, a working day, Monday through  
17 Friday, regardless of work schedule, weekend work, or midweek days off.

18 (c) **(1)** “Grievance” means any cause of complaint arising between a **[classified**  
19 **employee or associate staff] REGULAR FULL-TIME OR PART-TIME** employee and **[his**  
20 **employer] THE UNIVERSITY** on a matter concerning discipline, alleged discrimination,  
21 promotion, assignment, or interpretation or application of **[University]** rules or  
22 departmental procedures over which the **[University]** management has control. **[However,**  
23 **if the complaint pertains to the general level of wages, wage patterns, fringe benefits, or to**  
24 **other broad areas of financial management and staffing, it is not a grievable issue.]**

25 **(2) “GRIEVANCE” DOES NOT INCLUDE:**

26 **(I) COMPLAINTS ON THE GENERAL LEVEL OF WAGES, WAGE**  
27 **PATTERNS, FRINGE BENEFITS, OR OTHER BROAD AREAS OF FINANCIAL**  
28 **MANAGEMENT AND STAFFING; OR**

29 **(II) ANY CAUSE OF COMPLAINT BY FACULTY EMPLOYEES,**  
30 **DEANS, PROVOSTS, OR ADMINISTRATORS.**

31 (d) “University”, unless the context requires otherwise, means a constituent  
32 institution of the University System of Maryland.

33 **13-205.1.**

1           **(A) (1) THE UNIVERSITY MAY REMOVE, SUSPEND, OR DEMOTE A**  
2 **REGULAR FULL-TIME OR PART-TIME EMPLOYEE WHO IS NOT ON PROBATION ONLY:**

3                   **(I) FOR CAUSE;**

4                   **(II) ON WRITTEN CHARGES; AND**

5                   **(III) IN ACCORDANCE WITH THIS SUBTITLE.**

6           **(2) (I) FOR EMPLOYEES WHO ARE REPRESENTED BY AN**  
7 **EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND**  
8 **PENSIONS ARTICLE, THE UNIVERSITY AND THE EXCLUSIVE REPRESENTATIVE**  
9 **SHALL NEGOTIATE WHAT CONSTITUTES CAUSE UNDER PARAGRAPH (1) OF THIS**  
10 **SUBSECTION.**

11                   **(II) FOR AN EMPLOYEE WHO IS NOT REPRESENTED BY AN**  
12 **EXCLUSIVE REPRESENTATIVE, THE UNIVERSITY SHALL REMOVE, SUSPEND, OR**  
13 **DEMOTE THE EMPLOYEE ONLY IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11**  
14 **OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT APPLY TO STATE**  
15 **EMPLOYEES IN THE SKILLED AND PROFESSIONAL SERVICES.**

16           **(3) THE UNIVERSITY MAY NOT REMOVE, SUSPEND, OR DEMOTE A**  
17 **REGULAR FULL-TIME OR PART-TIME EMPLOYEE FOR ANY REASON PROHIBITED BY**  
18 **§ 2-302 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

19 13-207.

20           (a) The defense of sovereign immunity may not be available to the University,  
21 unless otherwise specifically provided by the laws of Maryland, in any administrative,  
22 arbitration, or judicial proceeding held pursuant to this section, or the personnel policies,  
23 rules, and regulations for [classified] **REGULAR FULL-TIME AND PART-TIME** employees  
24 of the University System of Maryland involving any type of employee grievance or hearing,  
25 including, but not limited to charges for removal, disciplinary suspensions, involuntary  
26 demotions, or reclassifications.

27           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2019.