

EMERGENCY BILL

P4
SB 46/95 - JPR

6lr1749

By: Senators Stone, Jimeno, and Boozer

Introduced and read first time: January 24, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Hearings and Decisions**

3 FOR the purpose of requiring the Secretary of Personnel to delegate authority to the
4 Office of Administrative Hearings to hear and decide certain appeals; clarifying
5 certain delegations of authority to the Office of Administrative Hearings to conduct
6 certain hearings and to issue certain decisions in contested State employment cases;
7 authorizing the Office of Administrative Hearings to issue certain final decisions;
8 making this Act an emergency measure; and generally relating to hearings and
9 decisions in contested cases under the State Personnel Article.

10 BY repealing and reenacting, with amendments,
11 Article - State Personnel and Pensions
12 Section 2-301, 2-302, 2-303, and 2-304
13 Annotated Code of Maryland
14 (1994 Volume and 1995 Supplement)

15 BY repealing
16 Article - State Personnel and Pensions
17 Section 2-305
18 Annotated Code of Maryland
19 (1994 Volume and 1995 Supplement)

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

22 **Article - State Personnel and Pensions**

23 2-301.

24 The Secretary [may] SHALL delegate to the Office of Administrative Hearings the
25 authority to conduct a hearing and issue a final decision in any of the following:

26 (1) a grievance under § 14-1B-06 of the Education Article or § 10-209(b) of
27 this article; and

28 (2) an appeal under § 6-107(d)(1) of this article from the denial of a pay
29 increment.

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1 2-302.

2 The Secretary [may] SHALL delegate to the Office of Administrative Hearings the
3 authority to conduct a hearing and issue a [proposed] FINAL decision [for approval by
4 the Secretary] in any of the following:

5 (1) a Whistleblower Law hearing under § 3-308 of this article;

6 (2) a hearing under § 4-504 of this article on an unsatisfactory work or
7 conduct report;

8 (3) an appeal under § 4-604 of this article from the proposed demotion of
9 an employee;

10 (4) an appeal under § 9-103 of this article by an employee who is rejected
11 while on probation as a result of a promotion;

12 (5) an appeal under § 9-205 of this article from charges for removal of an
13 employee;

14 (6) a preliminary hearing under § 9-303 of this article on the suspension of
15 an employee pending removal;

16 (7) an appeal under § 9-406 of this article from the disciplinary suspension
17 of an employee; and

18 (8) an appeal under Article 29, § 11-109(b) of the Code from the removal of
19 an employee of the Washington Suburban Sanitary Commission.

20 2-303.

21 The [Secretary may delegate to the deputy secretary, an assistant secretary, or
22 another official in the Department whose duties are unrelated to the hearing process, the
23 authority to approve any of the following:

24 (1) a proposed decision issued under § 2-302 of this subtitle; and

25 (2) a proposed] OFFICE OF ADMINISTRATIVE HEARINGS SHALL ISSUE
26 THE FINAL decision [issued] in a grievance arbitration under § 10-209(c) of this article.

27 2-304.

28 In an appeal submitted to the Secretary under Title 13, Subtitle 1A of the
29 Education Article, the Secretary may delegate authority TO THE OFFICE OF
30 ADMINISTRATIVE HEARINGS in a way that is consistent with the other delegations
31 allowed under this subtitle.

32 [2-305.

33 Within 30 days after a delegation of authority is made under this subtitle, the
34 Secretary shall publish notice of the delegation in the Maryland Register.]

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
36 measure, is necessary for the immediate preservation of the public health and safety, has
37 been passed by a yea and nay vote supported by three-fifths of all the members elected to

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1 each of the two Houses of the General Assembly, and shall take effect from the date it is
2 enacted.