
By: Delegates Rosenberg and Marriott

Introduced and read first time: February 5, 1997

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Transportation - Holidays of Employees**

3 FOR the purpose of requiring the Secretary of Transportation to ensure, through
4 regulation, that the employees of the Department have the same number and type
5 of holidays as other State employees; and generally relating to the holidays of
6 employees of the Department of Transportation.

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 2-103.4(d)
10 Annotated Code of Maryland
11 (1993 Replacement Volume and 1996 Supplement)

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

14 **Article - Transportation**

15 2-103.4.

16 (d) (1) The Secretary shall adopt regulations to govern the human resources
17 management system established under this section.

18 (2) (I) The regulations shall address procedures for leave, appointment,
19 hiring, promotion, layoff, removal, termination, redress of grievances, and reinstatement
20 of employees and shall be presented to the Joint Committee on Administrative,
21 Executive, and Legislative Review under Title 10, Subtitle 1 of the State Government
22 Article.

23 (II) THE SECRETARY SHALL ENSURE, THROUGH REGULATION,
24 THAT EMPLOYEES OF THE DEPARTMENT HAVE THE SAME NUMBER AND TYPE OF
25 HOLIDAYS GIVEN TO OTHER STATE EMPLOYEES.

26 (3) Subject to the provisions of paragraph (4) of this subsection, the
27 employee grievance procedures shall include, at a minimum, the following sequence of
28 levels of appeal:

29 (i) Initially an aggrieved employee shall present any grievance to the
30 appointing authority or a designated representative, who shall render a written decision;

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1 (ii) Any appeal shall be presented to the Secretary or a designated
2 representative, who shall render a written decision;

3 (iii) If the dispute is still unresolved, the appeal shall be referred to the
4 Office of Administrative Hearings or a mutually agreed upon third party arbiter who may
5 not hear grievances relating to classification, salary, or fiscal matters; and

6 (iv) For disciplinary actions only, either party may appeal any decision
7 of the Office of Administrative Hearings or a third party arbiter to the Secretary of
8 Budget and Management or that Secretary's designee.

9 (4) These regulations shall include procedures that ensure that all
10 employees of the Department covered by this section and all employees hired after June
11 1, 1992 shall be entitled to the same levels of appeal provided for in the State employees'
12 grievance procedures contained in Title 12 of the State Personnel and Pensions Article.
13 Any disciplinary action taken against such employees by the Department shall include the
14 same levels of appeal contained in Division I of the State Personnel and Pensions Article
15 and its implementing regulations.

16 (5) (i) During any stage of a complaint, grievance, or other administrative
17 or legal action that concerns State employment by a full-time or part-time executive
18 service, career service, or commission plan employee of the Department, or by a
19 temporary or contractual employee of the Department, the employee may not be
20 subjected to coercion, discrimination, interference, reprisal, or restraint by or initiated on
21 behalf of the Department solely as a result of that employee's pursuit of a grievance,
22 complaint, or other administrative or legal action that concerns State employment.

23 (ii) An employee of the Department may not intentionally take or
24 assist in taking an act of coercion, discrimination, interference, reprisal, or restraint
25 against another employee solely as a result of that employee's pursuit of a grievance,
26 complaint, or other administrative or legal action that concerns State employment.

27 (iii) An employee who violates the provisions of this paragraph is
28 subject to disciplinary action, including termination of employment.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1997.