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**By: Delegates Parker, Benson, Branch, E. Burns, D. Davis, Exum, B. Hughes,  
Nathan-Pulliam, Opara, and Cadden**

Introduced and read first time: February 20, 1997

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Appeals of Disciplinary Actions**

3 FOR the purpose of providing an exception, for appeals related to an arrest, to the  
4 requirement that the Office of Administrative Hearings schedule a hearing on  
5 appeals of disciplinary actions within a certain time period after an appeal is  
6 received; and generally relating to appeals of disciplinary actions taken against State  
7 employees.

8 BY repealing and reenacting, with amendments,  
9 Article - State Personnel and Pensions  
10 Section 11-110  
11 Annotated Code of Maryland  
12 (1994 Volume and 1996 Supplement)

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

15 **Article - State Personnel and Pensions**

16 11-110.

17 (a) (1) Within 10 days after receiving a decision under § 11-109 of this subtitle,  
18 an employee or an employee's representative may appeal the decision in writing to the  
19 Secretary.

20 (2) An appeal shall state, to the extent possible, the issues of fact and law  
21 that are the basis for the appeal.

22 (b) Within 30 days after receiving an appeal, the Secretary or designee shall:

23 (1) (i) mediate a settlement between the employee and the unit; or

24 (ii) refer the appeal to the Office of Administrative Hearings; and

25 (2) advise the employee in writing of the Secretary's action.

26 (c) (1) [Within] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
27 SUBSECTION, WITHIN 30 days after receiving the appeal, the Office of Administrative  
28 Hearings shall schedule a hearing and notify the parties of the hearing date.

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1                   (2) IN THE CASE OF AN APPEAL RELATED TO AN ARREST, THE OFFICE  
2 OF ADMINISTRATIVE HEARINGS SHALL SCHEDULE A HEARING AND NOTIFY THE  
3 PARTIES OF THE HEARING DATE WITHIN 30 DAYS AFTER FINAL ADJUDICATION OF  
4 THE CHARGES AGAINST THE EMPLOYEE.

5                   [(2)] (3) The Office of Administrative Hearings shall dispose of the appeal  
6 or conduct a hearing on each appeal in accordance with Title 10, Subtitle 2 of the State  
7 Government Article. The Office is bound by any regulation, declaratory ruling, prior  
8 adjudication, or other settled, preexisting policy, to the same extent as the Department is  
9 or would have been bound if it were hearing the case.

10                  (d) (1) Except as otherwise provided by this subtitle, the Office of  
11 Administrative Hearings may:

12                                 (i) uphold the disciplinary action;

13                                 (ii) rescind or modify the disciplinary action taken and restore to the  
14 employee any lost time, compensation, status, or benefits; or

15                                 (iii) order:

16   1. reinstatement to the position that the employee held at  
17 dismissal;

18   2. full back pay; or

19   3. both 1 and 2.

20                  (2) Within 45 days after the close of the hearing record, the Office of  
21 Administrative Hearings shall issue to the parties a written decision.

22                  (3) The decision of the Office of Administrative Hearings is the final  
23 administrative decision.

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