
By: **Delegates Rosenberg and Cadden**
Introduced and read first time: January 29, 1998
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 of Transportation have the
5 same number and type of holidays as other State employees; and generally
6 relating to the holidays of 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 1997 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,
19 appointment, hiring, promotion, layoff, removal, termination, redress of grievances,
20 and reinstatement of employees and shall be presented to the Joint Committee on
21 Administrative, Executive, and Legislative Review under Title 10, Subtitle 1 of the
22 State Government 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:

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

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

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

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

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

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

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

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1998.