

SENATE BILL 707

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P4

1998 Regular Session
8lr2605
CF 8lr2527

By: **Senators Blount and Kelley**

Introduced and read first time: February 16, 1998

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Grievance Procedures - Award of Attorney's Fees**

3 FOR the purpose of providing that a grievant who prevails in a certain grievance
4 proceeding is entitled to reimbursement for certain attorney's fees from the unit
5 that employs the grievant; providing for the application of this Act; and
6 generally relating to the remedies available to grievants who prevail in
7 grievance proceedings.

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 12-402
11 Annotated Code of Maryland
12 (1997 Replacement Volume)

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 12-402.

17 (a) Except as provided in [subsection (b)] SUBSECTIONS (B) AND (C) of this
18 section, the remedies available to a grievant under this title are limited to the
19 restoration of the rights, pay, status, or benefits that the grievant otherwise would
20 have had if the contested policy, procedure, or regulation had been applied
21 appropriately as determined by the final decision maker.

22 (b) (1) A decision maker at Step Two or Step Three of the grievance
23 procedure may order an appointing authority to grant back pay.

24 (2) (i) In a reclassification grievance back pay may be awarded for a
25 period not exceeding 1 year before the grievance procedure was initiated.

26 (ii) A back pay order under this paragraph is in the discretion of the
27 Secretary and the Office of Administrative Hearings.

1 (3) Subject to the limitations in Title 14, Subtitle 2 of this article, an
2 appointing authority shall carry out a back pay order issued under this subsection.

3 (C) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO A GRIEVANT
4 UNDER THIS TITLE, A GRIEVANT WHO PREVAILS IN A GRIEVANCE PROCEEDING
5 SHALL BE ENTITLED TO REIMBURSEMENT FROM THE UNIT THAT EMPLOYS THE
6 GRIEVANT FOR REASONABLE ATTORNEY'S FEES INCURRED BY THE GRIEVANT IN
7 CONNECTION WITH THE GRIEVANCE PROCEEDING.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
9 construed retroactively and shall be applied to and interpreted to affect any grievant
10 who is the prevailing party under a final decision issued on or after January 1, 1997
11 in any grievance proceeding brought under Title 12 of the State Personnel and
12 Pensions Article.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 1998.