

SENATE BILL 692

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P4  
SB 707/98 - FIN

1999 Regular Session  
9lr2320

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By: **Senators Blount, Kelley, and Mitchell**  
Introduced and read first time: February 18, 1999  
Assigned to: Rules  
Re-referred to: Finance, February 22, 1999

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: April 7, 1999

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CHAPTER \_\_\_\_\_

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 under certain circumstances involving certain  
6 decisions by circuit courts and administrative law judges; providing for the  
7 application of this Act; providing for the termination of this Act; and generally  
8 relating to the remedies available to grievants who prevail in grievance  
9 proceedings.

10 BY repealing and reenacting, with amendments,  
11 Article - State Personnel and Pensions  
12 Section 12-402  
13 Annotated Code of Maryland  
14 (1997 Replacement Volume and 1998 Supplement)

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

17 **Article - State Personnel and Pensions**

18 12-402.

19 (a) Except as provided [in subsection (b)] SUBSECTIONS (B) AND (C) of this  
20 section, the remedies available to a grievant under this title are limited to the  
21 restoration of the rights, pay, status, or benefits that the grievant otherwise would

1 have had if the contested policy, procedure, or regulation had been applied  
2 appropriately as determined by the final decision maker.

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

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

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

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

11 (C) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO A GRIEVANT  
12 UNDER THIS TITLE, A GRIEVANT WHO PREVAILS IN A GRIEVANCE PROCEEDING  
13 SHALL BE ENTITLED TO REIMBURSEMENT FROM THE UNIT THAT EMPLOYS THE  
14 GRIEVANT FOR REASONABLE ATTORNEY'S FEES INCURRED BY THE GRIEVANT IN  
15 CONNECTION WITH THE GRIEVANCE PROCEEDING IF:

16 (I) AN INITIAL DECISION BY AN ADMINISTRATIVE LAW JUDGE  
17 THAT WAS APPEALED BY THE GRIEVANT TO A CIRCUIT COURT;

18 (II) A DECISION BY THE CIRCUIT COURT TO REMAND THE CASE TO  
19 THE ADMINISTRATIVE LAW JUDGE TO DETERMINE THE CASE ON ITS MERITS;

20 (III) A DECISION IN FAVOR OF THE GRIEVANT BY THE  
21 ADMINISTRATIVE LAW JUDGE ON THE REMANDED CASE AND THAT WAS APPEALED  
22 TO THE CIRCUIT COURT; AND

23 (IV) A FINAL DECISION IN FAVOR OF THE GRIEVANT BY A CIRCUIT  
24 COURT ON THE ADMINISTRATIVE LAW JUDGE'S DECISION ON THE REMANDED CASE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
26 construed retroactively and shall be applied to and interpreted to affect any grievant  
27 who is the prevailing party under a final decision issued on or after ~~January 1, 1997~~  
28 February 28, 1997 in any grievance proceeding brought under Title 12 of the State  
29 Personnel and Pensions Article.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
31 effect July 1, 1999. It shall remain effective for a period of one year and, at the end of  
32 June 30, 2000, with no further action required by the General Assembly, this Act shall  
33 be abrogated and of no further force and effect.

