

SENATE BILL 119

Unofficial Copy
P4
SB 692/99 - FIN

2000 Regular Session
0lr1129
CF 0lr1869

By: **Senators Kelley, Mitchell, Blount, McFadden, Exum, Hughes, Hooper,
and Teitelbaum**

Introduced and read first time: January 17, 2000
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 15, 2000

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 1999 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 (1) AN INITIAL DECISION BY AN ADMINISTRATIVE LAW JUDGE WAS
17 APPEALED BY THE GRIEVANT TO A CIRCUIT COURT;

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

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

24 (4) A FINAL DECISION WAS MADE IN FAVOR OF THE GRIEVANT BY THE
25 CIRCUIT COURT ON THE ADMINISTRATIVE LAW JUDGE'S DECISION ON THE
26 REMANDED CASE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
28 construed retroactively and shall be applied to and interpreted to affect any grievant
29 who is the prevailing party under a final decision issued on or before February 28,
30 1997 in any grievance proceeding brought under Title 12 of the State Personnel and
31 Pensions Article.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect July 1, 2000. It shall remain effective for a period of 1 year and, at the end of
34 June 30, 2001, with no further action required by the General Assembly, this Act shall
35 be abrogated and of no further force and effect.

