

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 431 (Delegate A. Jones. *et al.*)

Appropriations

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

This bill provides that a grievant under the State Personnel Management System who prevails in a grievance proceeding under certain circumstances is entitled to reimbursement from the employing unit for reasonable attorney's fees incurred in connection with the grievance proceeding, in addition to any other remedies.

This bill takes effect July 1, 2000, and is retroactive to final decisions on grievances issued on or after February 28, 1997. The bill sunsets on June 30, 2001.

Fiscal Summary

State Effect: It is assumed that the bill will apply to less than three individuals. The amount of reimbursable attorneys' fees cannot be reliably estimated at this time but is assumed to be less than \$50,000 per grievant.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The circumstances in which reimbursement of attorneys' fees would be available are as follows:

1. an initial decision by an administrative law judge that was appealed by the grievant to a circuit court;
2. a decision by the circuit court to remand the case to the administrative law judge to

determine the case on its merits;

3. a decision in favor of the grievant by the administrative law judge on the remanded case and that was appealed to the circuit court; and
4. a final decision in favor of the grievant by a circuit court on the administrative law judge's decision on the remanded case.

Current Law: State employees are not entitled to reimbursement for attorney's fees incurred in connection with a grievance proceeding.

Additional Information

Prior Introductions: SB 692 of 1999, an identical bill as amended, passed the Senate but was not acted on by the House Appropriations Committee. SB 707 of 1998, a substantially similar bill, received an unfavorable report from the Senate Finance Committee. HB 1150 of 1998, the companion bill to SB 707 of 1998, received an unfavorable report from the House Appropriations Committee.

Cross File: SB 119 (Senator Kelley, *et al.*) - Finance.

Information Source(s): Department of Budget and Management, Office of Administrative Hearings, Department of Legislative Services

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