

ENROLLED BILL
-- Appropriations/Finance --

Introduced by **Delegates F. Turner, Aumann, Barkley, Edwards, Gaines,
Haynes, Jones, Leopold, Madaleno, Paige, Patterson, and Zirkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Personnel - Grievance - Costs of Appeals to Office of Administrative**
3 **Hearings**

4 FOR the purpose of requiring that the principal unit that employs a certain grievant
5 pay the costs of certain appeals of grievances to the Office of Administrative
6 Hearings; *providing for a delayed effective date*; and generally relating to
7 grievances and appeals to the Office of Administrative Hearings.

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 12-205
11 Annotated Code of Maryland
12 (2004 Replacement Volume)

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

1

Article - State Personnel and Pensions

2 12-205.

3 (a) (1) Within 10 days after receiving a decision under § 12-204 of this
4 subtitle, a grievant or a grievant's representative may appeal the decision in writing
5 to the Secretary.

6 (2) An appeal shall include a copy of the decision being appealed and any
7 prior decisions.

8 (b) (1) Within 30 days after an appeal is received, the Secretary or designee
9 shall:

10 (i) review the grievance record;

11 (ii) if the grievance is based on a position reclassification, order an
12 audit of the position if it has not been audited within the last year; and

13 (iii) take the action described in paragraph (2) of this subsection and
14 give the parties written notice of that action.

15 (2) (i) If the Secretary or designee does not concur with the decision of
16 the unit, the Secretary or designee shall attempt to resolve the grievance with a
17 settlement that is binding on all parties.

18 (ii) If the grievance is not settled, the Secretary or designee shall
19 refer the grievance to the Office of Administrative Hearings.

20 (c) (1) (i) The Office of Administrative Hearings shall dispose of the
21 grievance or conduct a hearing on each grievance received from the Secretary in
22 accordance with Title 10, Subtitle 2 of the State Government Article.

23 (ii) The Office is bound by any regulation, declaratory ruling, prior
24 adjudication, or other settled, preexisting policy, to the same extent as the
25 Department is or would have been bound if it were hearing the case.

26 (iii) The employee has the burden of proof by a preponderance of the
27 evidence.

28 (2) (i) Within 45 days after the close of the hearing record, the Office
29 of Administrative Hearings shall issue a written decision to the parties and may grant
30 any appropriate remedy under § 12-402 of this title.

31 (ii) The decision of the Office of Administrative Hearings is the
32 final administrative decision.

33 (3) ~~ALL COSTS ASSOCIATED WITH APPEALING~~ ANY COSTS THE
34 PRINCIPLE UNIT OFFICE OF ADMINISTRATIVE HEARINGS INCURS FOR THE APPEAL
35 OF A GRIEVANCE TO THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL BE PAID BY
36 THE PRINCIPAL UNIT THAT EMPLOYS THE GRIEVANT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October 1, 2005~~ July 1, 2006.