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

Introduced and read first time: February 10, 2005

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Grievances - Settlement**

3 FOR the purpose of requiring the Secretary of Budget and Management or the
4 Secretary's designee to determine whether the principal unit that employs an
5 individual who has filed a grievance under certain provisions of law will accept
6 a settlement of the grievance; and generally relating to State personnel and the
7 settlement of grievances.

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:

15 **Article - State Personnel and Pensions**

16 12-205.

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

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

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

24 (i) review the grievance record;

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

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

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

6 (ii) THE SECRETARY OR DESIGNEE SHALL DETERMINE WHETHER
7 THE PRINCIPAL UNIT THAT EMPLOYS THE GRIEVANT WILL ACCEPT A SETTLEMENT.

8 (III) If the grievance is not settled, the Secretary or designee shall
9 refer the grievance to the Office of Administrative Hearings.

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

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

16 (iii) The employee has the burden of proof by a preponderance of the
17 evidence.

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

21 (ii) The decision of the Office of Administrative Hearings is the
22 final administrative decision.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2005.