
By: **Delegates F. Turner, Barkley, Bohanan, Bozman, G. Clagett, Conway, C. Davis, DeBoy, Donoghue, Edwards, Franchot, Gaines, Griffith, Harrison, Haynes, Holmes, James, Jones, Madaleno, Niemann, Paige, Patterson, Pendergrass, and Proctor**

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Read second time: March 14, 2006

CHAPTER _____

1 AN ACT concerning

2 **State Personnel - Disciplinary Actions - Settlement**

3 FOR the purpose of requiring the Secretary of Budget and Management or the
 4 designee of the Secretary to determine whether a principal unit that employs an
 5 employee who appeals a certain disciplinary action will accept a certain
 6 settlement; and generally relating to disciplinary actions and settlements.

7 BY repealing and reenacting, with amendments,
 8 Article - State Personnel and Pensions
 9 Section 11-110
 10 Annotated Code of Maryland
 11 (2004 Replacement Volume and 2005 Supplement)

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

14 **Article - State Personnel and Pensions**

15 11-110.

16 (a) (1) Within 10 days after receiving a decision under § 11-109 of this
 17 subtitle, an employee or an employee's representative may appeal the decision in
 18 writing to the Secretary.

1 (2) An appeal shall state, to the extent possible, the issues of fact and
2 law that are the basis for the appeal.

3 (b) Within 30 days after receiving an appeal, the Secretary or designee shall:

4 (1) (i) mediate a settlement between the employee and the unit; or

5 (ii) refer the appeal to the Office of Administrative Hearings; [and]

6 (2) advise the employee in writing of the Secretary's action; AND

7 (3) DETERMINE WHETHER THE PRINCIPAL UNIT THAT EMPLOYS THE
8 EMPLOYEE WILL ACCEPT THE SETTLEMENT MEDIATED UNDER ITEM (1) OF THIS
9 SUBSECTION.

10 (c) (1) Within 30 days after receiving the appeal, the Office of
11 Administrative Hearings shall schedule a hearing and notify the parties of the
12 hearing date.

13 (2) The Office of Administrative Hearings shall dispose of the appeal or
14 conduct a hearing on each appeal in accordance with Title 10, Subtitle 2 of the State
15 Government Article. The Office is bound by any regulation, declaratory ruling, prior
16 adjudication, or other settled, preexisting policy, to the same extent as the
17 Department is or would have been bound if it were hearing the case.

18 (d) (1) Except as otherwise provided by this subtitle, the Office of
19 Administrative Hearings may:

20 (i) uphold the disciplinary action;

21 (ii) rescind or modify the disciplinary action taken and restore to
22 the employee any lost time, compensation, status, or benefits; or

23 (iii) order:

24 1. reinstatement to the position that the employee held at
25 dismissal;

26 2. full back pay; or

27 3. both 1 and 2.

28 (2) Within 45 days after the close of the hearing record, the Office of
29 Administrative Hearings shall issue to the parties a written decision.

30 (3) The decision of the Office of Administrative Hearings is the final
31 administrative decision.

32 (e) (1) If a written decision issued under subsection (d) of this section is not
33 appealed in accordance with § 10-222 of the State Government Article, within 45 days

1 after issuance of a decision to rescind a disciplinary action, the disciplinary action
2 shall be expunged from the employee's personnel records.

3 (2) If a written decision issued under subsection (d) of this section is
4 appealed in accordance with § 10-222 of the State Government Article, within 45 days
5 after the issuance of a final decision on appeal to rescind a disciplinary action, the
6 disciplinary action shall be expunged from the employee's personnel records.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2006.