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

Introduced and read first time: February 9, 2006

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Disciplinary Actions - Costs of Appeals to the Office of**  
3 **Administrative Hearings**

4 FOR the purpose of requiring principal units that employ certain employees who  
5 appeal certain decisions concerning certain disciplinary actions to pay the costs  
6 related to the appeal incurred by the Office of Administrative Hearings; and  
7 generally relating to disciplinary actions and the costs of appeals to the Office of  
8 Administrative Hearings.

9 BY repealing and reenacting, with amendments,  
10 Article - State Personnel and Pensions  
11 Section 11-110  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2005 Supplement)

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

16 **Article - State Personnel and Pensions**

17 11-110.

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

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

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

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

1 (ii) refer the appeal to the Office of Administrative Hearings; and

2 (2) advise the employee in writing of the Secretary's action.

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

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

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

13 (i) uphold the disciplinary action;

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

16 (iii) order:

17 1. reinstatement to the position that the employee held at  
18 dismissal;

19 2. full back pay; or

20 3. both 1 and 2.

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

23 (3) The decision of the Office of Administrative Hearings is the final  
24 administrative decision.

25 (4) THE PRINCIPAL UNIT THAT EMPLOYS THE EMPLOYEE SHALL PAY  
26 ALL COSTS RELATED TO THE APPEAL THAT ARE INCURRED BY THE OFFICE OF  
27 ADMINISTRATIVE HEARINGS.

28 (e) (1) If a written decision issued under subsection (d) of this section is not  
29 appealed in accordance with § 10-222 of the State Government Article, within 45 days  
30 after issuance of a decision to rescind a disciplinary action, the disciplinary action  
31 shall be expunged from the employee's personnel records.

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

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