
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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 14, 2006

CHAPTER _____

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;
7 providing for a delayed effective date; and generally relating to disciplinary
8 actions and the costs of appeals to the Office of 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.

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.

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

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

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

17 (i) uphold the disciplinary action;

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

20 (iii) order:

21 1. reinstatement to the position that the employee held at
22 dismissal;

23 2. full back pay; or

24 3. both 1 and 2.

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

27 (3) The decision of the Office of Administrative Hearings is the final
28 administrative decision.

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

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
8 effect July 1, ~~2006~~ 2007.