
By: **Delegate Niemann**

Rules suspended

Introduced and read first time: March 10, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Office of Administrative Hearings - Disciplinary Appeals - Additional**
3 **Actions**

4 FOR the purpose of authorizing the Office of Administrative Hearings to order
5 repayment of certain benefits to certain State employees who have won appeals
6 of certain disciplinary actions; and generally relating to actions taken by the
7 Office of Administrative Hearings relating to disciplinary actions.

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

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 11-110.

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

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

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

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

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

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

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

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

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

11 (i) uphold the disciplinary action;

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

14 (iii) order:

15 1. reinstatement to the position that the employee held at
16 dismissal;

17 2. full back pay AND BENEFITS; or

18 3. both 1 and 2.

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

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

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

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

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