

# HOUSE BILL 822

F2, P4

(9lr1937)

## *ENROLLED BILL*

— *Appropriations/Finance* —

Introduced by **Delegates Hettleman, Acevero, Korman, Terrasa, Valentino-Smith, and P. Young**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **University System of Maryland – Regular Employees – Grievance Procedures**  
3 **and Disciplinary Actions**

4 FOR the purpose of authorizing a constituent institution of the University System of  
5 Maryland to remove, suspend, or demote a certain regular full-time or part-time  
6 employee who is not on probation only in accordance with certain provisions of law;  
7 ~~requiring a constituent institution and an exclusive representative to negotiate a~~  
8 ~~certain item under certain circumstances;~~ making conforming changes; repealing  
9 obsolete language; altering a certain definition; and generally relating to grievance  
10 procedures and disciplinary actions for certain regular employees of the University  
11 System of Maryland.

12 BY repealing and reenacting, with amendments,  
13 Article – Education

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Section 12–111; and 13–201 and 13–207(a) to be under the amended subtitle  
 2 “Subtitle 2. University of Maryland Regular Employee Grievance Procedures”  
 3 Annotated Code of Maryland  
 4 (2018 Replacement Volume and 2018 Supplement)

5 BY adding to  
 6 Article – Education  
 7 Section 13–205.1  
 8 Annotated Code of Maryland  
 9 (2018 Replacement Volume and 2018 Supplement)

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

12 **Article – Education**

13 12–111.

14 (a) Except as otherwise provided by law, appointments of the University System  
 15 of Maryland are not subject to or controlled by the provisions of the State Personnel and  
 16 Pensions Article that govern the State Personnel Management System.

17 (b) In accordance with the requirements of Title 3 of the State Personnel and  
 18 Pensions Article, the Board of Regents shall establish general policies and guidelines  
 19 governing the appointment, compensation, advancement, tenure, and termination of all  
 20 [classified] **REGULAR FULL–TIME AND PART–TIME** personnel.

21 (c) The policies established under subsection (b) of this section shall include  
 22 consideration of hiring a contractual employee to fill a vacant position in the same or  
 23 similar classification in which the contractual employee is employed.

24 Subtitle 2. University of Maryland [Classified] **REGULAR** Employee Grievance  
 25 Procedures.

26 13–201.

27 (a) In this subtitle the following words have the meanings indicated.

28 (b) “Day” means, except as otherwise provided, a working day, Monday through  
 29 Friday, regardless of work schedule, weekend work, or midweek days off.

30 (c) **(1)** “Grievance” means any cause of complaint arising between a [classified  
 31 employee or associate staff] **REGULAR FULL–TIME OR PART–TIME** employee and [his  
 32 employer] **THE UNIVERSITY** on a matter concerning discipline, alleged discrimination,  
 33 promotion, assignment, or interpretation or application of ~~¶University¶~~ rules or  
 34 departmental procedures over which the ~~¶University¶~~ management has control. [However,

1 if the complaint pertains to the general level of wages, wage patterns, fringe benefits, or to  
2 other broad areas of financial management and staffing, it is not a grievable issue.]

3 (2) "GRIEVANCE" DOES NOT INCLUDE:

4 (I) COMPLAINTS ON THE GENERAL LEVEL OF WAGES, WAGE  
5 PATTERNS, FRINGE BENEFITS, OR OTHER BROAD AREAS OF FINANCIAL  
6 MANAGEMENT AND STAFFING; OR

7 (II) ANY CAUSE OF COMPLAINT BY ~~FACULTY EMPLOYEES,~~  
8 ~~DEANS, PROVOSTS, OR ADMINISTRATORS~~ ANY EMPLOYEE WHO IS NOT  
9 REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE  
10 PERSONNEL AND PENSIONS ARTICLE.

11 (d) "University", unless the context requires otherwise, means a constituent  
12 institution of the University System of Maryland.

13 13-205.1.

14 (A) THIS SECTION APPLIES ONLY TO A REGULAR FULL-TIME OR PART-TIME  
15 EMPLOYEE WHO IS REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER  
16 TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

17 (B) ~~(1)~~ THE UNIVERSITY MAY REMOVE, SUSPEND, OR DEMOTE A  
18 REGULAR FULL-TIME OR PART-TIME EMPLOYEE WHO IS NOT ON PROBATION ONLY:

19 ~~(1)~~ (1) FOR CAUSE;

20 ~~(2)~~ (2) ON WRITTEN CHARGES; AND

21 ~~(3)~~ (3) IN ACCORDANCE WITH THIS SUBTITLE.

22 ~~(2) (1) FOR EMPLOYEES WHO ARE REPRESENTED BY AN~~  
23 ~~EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND~~  
24 ~~PENSIONS ARTICLE, THE THE UNIVERSITY AND THE EXCLUSIVE REPRESENTATIVE~~  
25 ~~SHALL NEGOTIATE WHAT CONSTITUTES CAUSE UNDER PARAGRAPH (1) OF THIS~~  
26 ~~SUBSECTION.~~

27 ~~(1) FOR AN EMPLOYEE WHO IS NOT REPRESENTED BY AN~~  
28 ~~EXCLUSIVE REPRESENTATIVE, THE UNIVERSITY SHALL REMOVE, SUSPEND, OR~~  
29 ~~DEMOTED THE EMPLOYEE ONLY IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11~~  
30 ~~OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT APPLY TO STATE~~  
31 ~~EMPLOYEES IN THE SKILLED AND PROFESSIONAL SERVICES.~~

1                    ~~(3)~~ (C)            **THE UNIVERSITY MAY NOT REMOVE, SUSPEND, OR DEMOTE**  
 2 **A REGULAR FULL-TIME OR PART-TIME EMPLOYEE FOR ANY REASON PROHIBITED**  
 3 **BY § 2-302 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

4 13-207.

5            (a)    The defense of sovereign immunity may not be available to the University,  
 6 unless otherwise specifically provided by the laws of Maryland, in any administrative,  
 7 arbitration, or judicial proceeding held pursuant to this section, or the personnel policies,  
 8 rules, and regulations for [classified] **REGULAR FULL-TIME AND PART-TIME** employees  
 9 of the University System of Maryland involving any type of employee grievance or hearing,  
 10 including, but not limited to charges for removal, disciplinary suspensions, involuntary  
 11 demotions, or reclassifications.

12            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 13 October 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.