

# HOUSE BILL 822

F2, P4

9lr1937  
CF SB 711

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By: **Delegates Hettleman, Acevero, Korman, Terrasa, Valentino-Smith, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2019

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## 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  
14 Section 12–111; and 13–201 and 13–207(a) to be under the amended subtitle  
15 “Subtitle 2. University of Maryland Regular Employee Grievance Procedures”  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume and 2018 Supplement)

18 BY adding to  
19 Article – Education  
20 Section 13–205.1  
21 Annotated Code of Maryland  
22 (2018 Replacement Volume and 2018 Supplement)

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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.



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

3 **Article – Education**

4 12–111.

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

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

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

15 Subtitle 2. University of Maryland **[Classified] REGULAR** Employee Grievance  
16 Procedures.

17 13–201.

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

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

21 (c) **(1)** “Grievance” means any cause of complaint arising between a **[classified**  
22 **employee or associate staff] REGULAR FULL–TIME OR PART–TIME** employee and **[his**  
23 **employer] THE UNIVERSITY** on a matter concerning discipline, alleged discrimination,  
24 promotion, assignment, or interpretation or application of **{University}** rules or  
25 departmental procedures over which the **{University}** management has control. **[However,**  
26 **if the complaint pertains to the general level of wages, wage patterns, fringe benefits, or to**  
27 **other broad areas of financial management and staffing, it is not a grievable issue.]**

28 **(2) “GRIEVANCE” DOES NOT INCLUDE:**

29 **(I) COMPLAINTS ON THE GENERAL LEVEL OF WAGES, WAGE**  
30 **PATTERNS, FRINGE BENEFITS, OR OTHER BROAD AREAS OF FINANCIAL**  
31 **MANAGEMENT AND STAFFING; OR**

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

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

7 13-205.1.

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

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

13 (I) FOR CAUSE;

14 (II) ON WRITTEN CHARGES; AND

15 (III) IN ACCORDANCE WITH THIS SUBTITLE.

16 (2) ~~(I) FOR EMPLOYEES WHO ARE REPRESENTED BY AN~~  
 17 ~~EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND~~  
 18 ~~PENSIONS ARTICLE, THE~~ THE UNIVERSITY AND THE EXCLUSIVE REPRESENTATIVE  
 19 SHALL NEGOTIATE WHAT CONSTITUTES CAUSE UNDER PARAGRAPH (1) OF THIS  
 20 SUBSECTION.

21 ~~(II) FOR AN EMPLOYEE WHO IS NOT REPRESENTED BY AN~~  
 22 ~~EXCLUSIVE REPRESENTATIVE, THE UNIVERSITY SHALL REMOVE, SUSPEND, OR~~  
 23 ~~DEMOTED THE EMPLOYEE ONLY IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11~~  
 24 ~~OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT APPLY TO STATE~~  
 25 ~~EMPLOYEES IN THE SKILLED AND PROFESSIONAL SERVICES.~~

26 (3) THE UNIVERSITY MAY NOT REMOVE, SUSPEND, OR DEMOTE A  
 27 REGULAR FULL-TIME OR PART-TIME EMPLOYEE FOR ANY REASON PROHIBITED BY  
 28 § 2-302 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

29 13-207.

30 (a) The defense of sovereign immunity may not be available to the University,  
 31 unless otherwise specifically provided by the laws of Maryland, in any administrative,  
 32 arbitration, or judicial proceeding held pursuant to this section, or the personnel policies,  
 33 rules, and regulations for [classified] REGULAR FULL-TIME AND PART-TIME employees

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1 of the University System of Maryland involving any type of employee grievance or hearing,  
2 including, but not limited to charges for removal, disciplinary suspensions, involuntary  
3 demotions, or reclassifications.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 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.