

HOUSE BILL 891

P4

(9lr1785)

ENROLLED BILL

— Appropriations/Finance —

Introduced by **Delegates Haynes, Hettleman, Jackson, Krimm, Reznik, and Valentino-Smith**

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 **State Personnel – Grievance Procedures**

3 FOR the purpose of expanding the application of certain provisions of law governing
4 grievance procedures for certain employees ~~in the State Personnel Management~~
5 ~~System~~; requiring a grievant to complete certain forms in a certain manner for a
6 certain purpose; applying a certain definition of “grievance” to a certain requirement
7 that the Department of Transportation adopt certain regulations relating to
8 employee grievance procedures; altering a certain definition; defining a certain term;
9 making a conforming change; and generally relating to grievance procedures and
10 State employees.

11 BY repealing and reenacting, with amendments,
12 Article – State Personnel and Pensions
13 Section 12–101, 12–102, and 12–108

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 Annotated Code of Maryland
2 (2015 Replacement Volume and 2018 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Transportation
5 Section 2–103.4(d)(2)
6 Annotated Code of Maryland
7 (2015 Replacement Volume and 2018 Supplement)

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

10 **Article – State Personnel and Pensions**

11 12–101.

12 (a) In this title the following words have the meanings indicated.

13 (b) “Employer” means one or more of the following:

14 (1) an employee’s appointing authority;

15 (2) an employee’s principal unit; or

16 (3) the Department of Budget and Management.

17 **(C) “EXCLUSIVE REPRESENTATIVE” HAS THE MEANING STATED IN § 3–101**
18 **OF THIS ARTICLE.**

19 **[(c)] (D)** (1) “Grievance” means a dispute between an employee and the
20 employee’s employer about the interpretation of and application to the employee of:

21 (i) a personnel policy or regulation adopted by the Secretary; **[or]**

22 (ii) any other policy or regulation over which management has
23 control; **OR**

24 **(III) ANY TERM OR CONDITION OF A MEMORANDUM OF**
25 **UNDERSTANDING BETWEEN THE STATE AND THE EXCLUSIVE REPRESENTATIVE.**

26 (2) “Grievance” does not include a dispute about:

27 (i) a pay grade or range for a class;

28 (ii) the amount or the effective date of a statewide pay increase;

- 1 (iii) the establishment of a class;
- 2 (iv) the assignment of a class to a service category;
- 3 (v) the establishment of classification standards;
- 4 (vi) a mid-year performance appraisal; or
- 5 (vii) an oral reprimand or counseling.

6 12-102.

7 (a) Except as otherwise provided by law, this title applies to all employees in the
8 State Personnel Management System within the Executive Branch **AND INDEPENDENT**
9 **PERSONNEL SYSTEMS.**

10 (b) This title does not apply to:

11 (1) an employee who is appointed by the Governor whose appointment
12 requires the Governor's approval;

13 (2) an employee in the executive service of the State Personnel
14 Management System;

15 (3) a temporary employee;

16 (4) an attorney in the Office of the Attorney General or the Office of the
17 Public Defender;

18 (5) a State Police officer;

19 (6) ~~an~~ employee **UNDER § 7-601 OF THE TRANSPORTATION ARTICLE**
20 who is subject to a collective bargaining agreement that contains another grievance
21 procedure;

22 (7)~~†~~ an employee, including a member of a faculty, who is subject to a
23 contract or regulation governing teacher tenure;

24 ~~[(8)] (7)~~ a member of the faculty, an officer, or an administrative
25 employee of Baltimore City Community College;

26 ~~[(9)] (8)~~ a student employee;

27 ~~[(10)] (9)~~ an individual who, as an inmate or patient in an institution, is
28 employed by the State; or

1 ~~[(11)]~~ ~~(10)~~ an administrative law judge in the Office of Administrative
 2 Hearings.

3 12-108.

4 (A) The Secretary shall:

5 (1) provide for forms for initiating and processing grievances; and

6 (2) make the forms available on the Department's [Web site] WEBSITE.

7 (B) **THE GRIEVANT SHALL COMPLETE THE FORMS PROVIDED IN**
 8 **ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IN SUFFICIENT DETAIL THAT**
 9 **WILL ALLOW FOR THE EXPEDITIOUS RESOLUTION OF THE GRIEVANCE.**

10 **Article – Transportation**

11 2-103.4.

12 (d) (2) The regulations shall address procedures for leave, appointment,
 13 hiring, promotion, layoff, removal, termination, redress of grievances, **AS DEFINED IN §**
 14 **12-101 OF THE STATE PERSONNEL AND PENSIONS ARTICLE**, and reinstatement of
 15 employees and shall be presented to the Joint Committee on Administrative, Executive,
 16 and Legislative Review under Title 10, Subtitle 1 of the State Government Article.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.