

# HOUSE BILL 891

P4  
HB 335/18 – APP

9lr1785  
CF SB 289

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By: **Delegates Haynes, Hettleman, Jackson, Krimm, Reznik, and Valentino-Smith**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

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Committee Report: Favorable

House action: Adopted

Read second time: March 11, 2019

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## 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  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 2–103.4(d)(2)  
19 Annotated Code of Maryland  
20 (2015 Replacement Volume and 2018 Supplement)

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

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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.



**Article – State Personnel and Pensions**

12–101.

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

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

(1) an employee’s appointing authority;

(2) an employee’s principal unit; or

(3) the Department of Budget and Management.

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

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

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

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

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

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

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

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

(iii) the establishment of a class;

(iv) the assignment of a class to a service category;

(v) the establishment of classification standards;

(vi) a mid–year performance appraisal; or

(vii) an oral reprimand or counseling.

12–102.

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

4 (b) This title does not apply to:

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

7 (2) an employee in the executive service of the State Personnel  
8 Management System;

9 (3) a temporary employee;

10 (4) an attorney in the Office of the Attorney General or the Office of the  
11 Public Defender;

12 (5) a State Police officer;

13 (6) [an employee who is subject to a collective bargaining agreement that  
14 contains another grievance procedure;

15 (7)] an employee, including a member of a faculty, who is subject to a  
16 contract or regulation governing teacher tenure;

17 [(8)] (7) a member of the faculty, an officer, or an administrative  
18 employee of Baltimore City Community College;

19 [(9)] (8) a student employee;

20 [(10)] (9) an individual who, as an inmate or patient in an institution, is  
21 employed by the State; or

22 [(11)] (10) an administrative law judge in the Office of Administrative  
23 Hearings.

24 12–108.

25 (A) The Secretary shall:

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

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

1 (B) THE GRIEVANT SHALL COMPLETE THE FORMS PROVIDED IN  
2 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IN SUFFICIENT DETAIL THAT  
3 WILL ALLOW FOR THE EXPEDITIOUS RESOLUTION OF THE GRIEVANCE.

4 Article – Transportation

5 2–103.4.

6 (d) (2) The regulations shall address procedures for leave, appointment,  
7 hiring, promotion, layoff, removal, termination, redress of grievances, **AS DEFINED IN §**  
8 **12–101 OF THE STATE PERSONNEL AND PENSIONS ARTICLE**, and reinstatement of  
9 employees and shall be presented to the Joint Committee on Administrative, Executive,  
10 and Legislative Review under Title 10, Subtitle 1 of the State Government Article.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 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.