

## Article 89 - Division of Labor and Industry

37.

(c) If an employer notifies the Commissioner, in writing, that he intends to contest a citation issued under § 36(a) or notification issued under subsections (a) and (b) of this section, or if, within fifteen working days of the issuance of a citation under § 36(a) any employee or representative of employees, files a notice, in writing, with the Commissioner alleging the period of time fixed in the citation for the abatement of the violation is unreasonable, the Commissioner shall grant a hearing, WHEN PRACTICABLE, within thirty days after receipt of such notification by the Commissioner. An employer shall have the option of having a hearing as provided under this section held (1) in regional offices as designated by the Commissioner, (2) in the county where the violation occurred and the hearing must be held in an office provided by that county, or (3) in Baltimore City, provided that the employer shall indicate where the hearing is to be held when he submits to the Commissioner his notification of contest by the employer. Affected employees or representatives of affected employees shall be provided an opportunity to participate as parties to hearings under this subsection.

(d) The Commissioner may appoint a hearing examiner to hear and make a determination upon any proceeding instituted before the Commissioner and any motion in connection therewith assigned to him by the Commissioner. Such hearing examiner shall prepare an official record which shall include testimony and exhibits and shall make a report in writing of his determination which constitutes his final disposition of the proceedings. The report of the hearing examiner shall become the final order of the Commissioner unless within fifteen working days after such report by the hearing examiner, any affected employer or employee or representative of employees shall request in writing a review by the Commissioner of such proceedings before the hearing examiner OR THE COMMISSIONER HIMSELF ORDERS A REVIEW OF THE PROCEEDINGS.

(e) The Commissioner shall, after a review of the proceedings [if requested as provided in] PURSUANT TO subsection (d) hereof, either with or without a hearing, issue an order, based on findings of fact, affirming, modifying or vacating the citation or proposed penalty, or directing other appropriate relief, and such order shall become final fifteen days after its issuance.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1979.

Approved May 14, 1979.

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