

grievance heard by the Secretary of Personnel, the Secretary shall render his written decision within 45 days after the hearing is held by him or his authorized representative or within 45 days after all legal memoranda or briefs have been filed in the grievance hearing. In the event of arbitration, the parties shall select an arbitrator by mutual agreement. If they are unable to reach a mutual agreement, an arbitrator shall be supplied by the American Arbitration Association in accordance with its procedures. Any fees resulting from arbitration shall be assessed by the arbitrator equally between the two parties. The decision of the arbitrator shall be advisory to the Secretary of Personnel and no additional appeals or hearings may be considered. The Secretary of Personnel shall make the final decision which shall be binding on all parties. The written decision of the Secretary shall be rendered within 15 days after the receipt of the decision of the arbitrator.

{6} (B) THE SECRETARY OF PERSONNEL SHALL HAVE THE POWER TO ORDER AN APPOINTING AUTHORITY TO GRANT BACK PAY IN ANY GRIEVANCE AND AN APPOINTING AUTHORITY SHALL ENFORCE ANY SUCH ORDER.

{7} (C) IN ANY RECLASSIFICATION CASE IN WHICH THE SECRETARY OF PERSONNEL OR HIS AUTHORIZED REPRESENTATIVE DETERMINES THAT AN EMPLOYEE IS ENTITLED TO BACK PAY BECAUSE THE EMPLOYEE HAS BEEN MISCLASSIFIED OR HAS BEEN WORKING OUT OF CLASSIFICATION, THE SECRETARY MAY, IN HIS DISCRETION, AWARD BACK PAY TO THE EMPLOYEE FOR A PERIOD NOT TO EXCEED ONE YEAR PRIOR TO THE INITIAL FILING OF THE GRIEVANCE.

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[In any administrative or judicial proceeding held pursuant to this or any other article or pursuant to the rules and regulations of the Secretary of Personnel, where charges for separation, disciplinary suspensions, and involuntary demotions of State employees are to be adjudicated, the defense of sovereign immunity is not available to the appointing authority.]

(A) IN THIS SECTION THE "STATE" INCLUDES ANY OFFICER, DEPARTMENT, AGENCY, BOARD, COMMISSION, APPOINTING AUTHORITY, OR OTHER UNIT OF STATE GOVERNMENT.

(B) THE DEFENSE OF SOVEREIGN IMMUNITY MAY NOT BE AVAILABLE TO THE STATE, UNLESS OTHERWISE SPECIFICALLY PROVIDED BY THE LAWS OF MARYLAND, IN ANY ADMINISTRATIVE, ARBITRATION, OR JUDICIAL PROCEEDING HELD PURSUANT TO THIS OR ANY OTHER ARTICLE, TO THE RULES AND REGULATIONS OF THE SECRETARY OF PERSONNEL, OR THE PERSONNEL POLICIES, RULES, AND REGULATIONS FOR CLASSIFIED EMPLOYEES OF THE UNIVERSITY OF MARYLAND INVOLVING ANY TYPE OF EMPLOYEE GRIEVANCE OR HEARING, INCLUDING, BUT NOT LIMITED TO, CHARGES FOR REMOVAL, DISCIPLINARY SUSPENSIONS, INVOLUNTARY DEMOTIONS, OR RECLASSIFICATIONS.