

(ii) refer the appeal to the Office of Administrative Hearings; and

(2) advise the employee in writing of the Secretary's action.

(c) (1) Within 30 days after receiving the appeal, the Office of Administrative Hearings shall schedule a hearing and notify the parties of the hearing date.

(2) The Office of Administrative Hearings shall dispose of the appeal or conduct a hearing on each appeal in accordance with Title 10, Subtitle 2 of the State Government Article. The Office is bound by any regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the Department is or would have been bound if it were hearing the case.

(d) (1) Except as otherwise provided by this subtitle, the Office of Administrative Hearings may:

(i) uphold the disciplinary action;

(ii) rescind or modify the disciplinary action taken and restore to the employee any lost time, compensation, status, or benefits; or

(iii) order:

1. reinstatement to the position that the employee held at dismissal;

2. full back pay AND BENEFITS; or

3. both 1 and 2.

(2) Within 45 days after the close of the hearing record, the Office of Administrative Hearings shall issue to the parties a written decision.

(3) The decision of the Office of Administrative Hearings is the final administrative decision.

(e) (1) If a written decision issued under subsection (d) of this section is not appealed in accordance with § 10-222 of the State Government Article, within 45 days after issuance of a decision to rescind a disciplinary action, the disciplinary action shall be expunged from the employee's personnel records.

(2) If a written decision issued under subsection (d) of this section is appealed in accordance with § 10-222 of the State Government Article, within 45 days after the issuance of a final decision on appeal to rescind a disciplinary action, the disciplinary action shall be expunged from the employee's personnel records.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.

Enacted May 26, 2006.