

(III) CONSIDER ANY MITIGATING CIRCUMSTANCES;

(IV) DETERMINE THE APPROPRIATE DISCIPLINARY ACTION, IF ANY, TO BE IMPOSED; AND

(V) GIVE THE EMPLOYEE A WRITTEN NOTICE OF THE DISCIPLINARY ACTION TO BE TAKEN AND THE EMPLOYEE'S APPEAL RIGHTS.

(4) (I) THE REGULATIONS SHALL PROVIDE THAT THE APPOINTING AUTHORITY OR DESIGNATED REPRESENTATIVE MAY SUSPEND AN EMPLOYEE, WITH OR WITHOUT PAY, PENDING THE FILING OF CHARGES FOR ~~REMOVAL~~ TERMINATION.

(II) IF AN EMPLOYEE IS SUSPENDED WITHOUT PAY, THE APPOINTING AUTHORITY OR DESIGNATED REPRESENTATIVE SHALL PROVIDE TO THE SECRETARY THE CHARGES FOR ~~REMOVAL~~ TERMINATION WITHIN ~~14~~ 30 CALENDAR DAYS AFTER THE FIRST DAY OF THE SUSPENSION PERIOD.

(III) IF THE APPOINTING AUTHORITY OR DESIGNATED REPRESENTATIVE FILES THE CHARGES FOR ~~REMOVAL~~ TERMINATION AFTER THE ~~14-DAY~~ 30-DAY PERIOD DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE EMPLOYEE SHALL BE PLACED ON LEAVE WITH PAY UNTIL THE SECRETARY RECEIVES THE CHARGES.

(5) THE REGULATIONS SHALL PROVIDE THAT AN APPOINTING AUTHORITY OR A DESIGNATED REPRESENTATIVE AND AN EMPLOYEE MAY AGREE TO THE HOLDING IN ABEYANCE OF A DISCIPLINARY ACTION FOR A PERIOD NOT TO EXCEED 18 MONTHS IN ORDER TO PERMIT AN EMPLOYEE TO IMPROVE CONDUCT OR PERFORMANCE.

[(3)](6) Subject to the provisions of paragraph [(4)](7) of this subsection, the employee grievance procedures shall include, at a minimum, the following sequence of levels of appeal:

(i) Initially an aggrieved employee shall present any grievance to the appointing authority or a designated representative, who shall render a written decision;

(ii) Any appeal shall be presented to the Secretary or a designated representative, who shall render a written decision;

(iii) If the dispute is still unresolved, the appeal shall be referred to the Office of Administrative Hearings or a mutually agreed upon third party arbiter who may not hear grievances relating to classification, salary, or fiscal matters; and

(iv) For disciplinary actions only, either party may appeal any decision of the Office of Administrative Hearings or a third party arbiter to the Secretary of Budget and Management or that Secretary's designee.

[(4)](7) These regulations shall include procedures that ensure that all employees of the Department covered by this section and all employees hired after June 1, 1992 shall be entitled to the same levels of appeal provided for in the State employees' grievance procedures contained in Title 12 of the State Personnel and