

**Article - State Personnel and Pensions**

12-205.

(a) (1) Within 10 days after receiving a decision under § 12-204 of this subtitle, a grievant or a grievant's representative may appeal the decision in writing to the Secretary.

(2) An appeal shall include a copy of the decision being appealed and any prior decisions.

(b) (1) Within 30 days after an appeal is received, the Secretary or designee shall:

(i) review the grievance record;

(ii) if the grievance is based on a position reclassification, order an audit of the position if it has not been audited within the last year; and

(iii) take the action described in paragraph (2) of this subsection and give the parties written notice of that action.

(2) (i) If the Secretary or designee does not concur with the decision of the unit, the Secretary or designee shall attempt to resolve the grievance with a settlement that is binding on all parties.

(ii) THE SECRETARY OR DESIGNEE SHALL DETERMINE WHETHER THE PRINCIPAL UNIT THAT EMPLOYS THE GRIEVANT WILL ACCEPT A SETTLEMENT.

(III) If the grievance is not settled, the Secretary or designee shall refer the grievance to the Office of Administrative Hearings.

(c) (1) (i) The Office of Administrative Hearings shall dispose of the grievance or conduct a hearing on each grievance received from the Secretary in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) 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.

(iii) The employee has the burden of proof by a preponderance of the evidence.

(2) (i) Within 45 days after the close of the hearing record, the Office of Administrative Hearings shall issue a written decision to the parties and may grant any appropriate remedy under § 12-402 of this title.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved May 26, 2005.