

[(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 Pensions Article. Any disciplinary action taken against such employees by the Department shall include the same levels of appeal contained in Division I of the State Personnel and Pensions Article and its implementing regulations.

[(5)](8) (i) During any stage of a complaint, grievance, or other administrative or legal action that concerns State employment by a full-time or part-time executive service, career service, or commission plan employee of the Department, or by a temporary or contractual employee of the Department, the employee may not be subjected to coercion, discrimination, interference, reprisal, or restraint by or initiated on behalf of the Department solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

(ii) An employee of the Department may not intentionally take or assist in taking an act of coercion, discrimination, interference, reprisal, or restraint against another employee solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

(iii) An employee who violates the provisions of this paragraph is subject to disciplinary action, including termination of employment.

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

May 26, 2005

The Honorable Michael E. Busch
Speaker of the House