

(1) The complainant or the appointing authority challenges the findings of the [Secretary's] initial investigation of a complaint;

(2) The complainant challenges the adequacy of the corrective action taken by the Secretary; or

(3) The Secretary, OR GOVERNOR'S DESIGNEE, fails to issue findings within 90 days of the filing of a complaint and the complainant requests a hearing.

(b) (1) Testimony taken at the hearing shall be under oath and recorded, and any party may be represented by counsel.

(2) At the earliest practicable date, a written decision and reasons therefor shall be issued.

(3) A prevailing complainant may be awarded back pay, seniority, leave, promotion, reasonable attorney's fees, litigation costs, or other appropriate relief.

(c) A complainant or appointing authority may secure review of a decision under this section in the circuit court for the jurisdiction in which the violation allegedly occurred. The court in hearing this case shall be governed by the judicial review standards of the Administrative Procedure Act, §§ 255 and 256 of Article 41 of the Annotated Code. In addition to other relief, the court may award a prevailing complainant reasonable attorney's fees and costs of litigation.

(d) In any hearing held pursuant to this section, confidentiality shall be maintained regarding any record or information the privacy or confidentiality of which is protected pursuant to Article 76A - Public Information. If any record so protected is deemed essential to the conduct of a hearing, names and other identifying information shall be deleted as necessary to maintain confidentiality.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 13, 1986.

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