

(2) If the Secretary, or Governor's designee, determines that a violation has not occurred, the complaint shall be dismissed.

(3) If the Secretary, or Governor's designee, determines that a violation has occurred, the Secretary shall take remedial action consistent with the purposes of this article, including but not limited to:

(i) Eliminating from the complainant's State personnel record any detrimental insertion resulting from the violation;

(ii) Hiring, reinstating, promoting, or terminating the suspension of the complainant;

(iii) Awarding back pay to the date of the violation; or

(iv) ~~making~~ Making appropriate recommendations to the appointing authority with respect to ~~TAKING~~ disciplinary action against the employee found to have caused the violation ~~---~~; OR

(V) TAKING DISCIPLINARY ACTION AGAINST THE EMPLOYEE FOUND TO HAVE CAUSED THE VIOLATION.

12-I.

(a) The Secretary, or Governor's designee other than the designee who has conducted the investigation under § 12H of this article, shall hold a hearing consistent with the procedural standards of the Administrative Procedure Act, Title 10, Subtitle 2 of the State Government Article, when:

(1) The complainant or the appointing authority challenges the findings of the 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] 45 60 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.