

## 2-302. HEARINGS AND PROPOSED DECISIONS.

THE SECRETARY MAY DELEGATE TO THE OFFICE OF ADMINISTRATIVE HEARINGS THE AUTHORITY TO CONDUCT A HEARING AND ISSUE A PROPOSED DECISION FOR APPROVAL BY THE SECRETARY IN:

- (1) A WHISTLEBLOWER LAW HEARING UNDER § 3-308 OF THIS ARTICLE;
- (2) A HEARING UNDER § 4-504 OF THIS ARTICLE ON AN UNSATISFACTORY WORK OR CONDUCT REPORT;
- (3) AN APPEAL UNDER § 4-604 OF THIS ARTICLE FROM THE PROPOSED DEMOTION OF AN EMPLOYEE;
- (4) AN APPEAL UNDER § 9-103 OF THIS ARTICLE BY AN EMPLOYEE WHO IS REJECTED WHILE ON PROBATION AS A RESULT OF A PROMOTION;
- (5) AN APPEAL UNDER § 9-205 OF THIS ARTICLE FROM CHARGES FOR REMOVAL OF AN EMPLOYEE;
- (6) A PRELIMINARY HEARING UNDER § 9-303 OF THIS ARTICLE ON THE SUSPENSION OF AN EMPLOYEE PENDING REMOVAL;
- (7) AN APPEAL UNDER § 9-406 OF THIS ARTICLE FROM THE DISCIPLINARY SUSPENSION OF AN EMPLOYEE; OR
- (8) AN APPEAL UNDER ARTICLE 29, § 11-109(B) OF THE CODE FROM THE REMOVAL OF AN EMPLOYEE OF THE WASHINGTON SUBURBAN SANITARY COMMISSION.

REVISOR'S NOTE: Item (1) of this section is new language added to conform to practice.

Items (2) through (8) of this section are new language derived without substantive change from former Art. 64A, § 36A(b) and (c)(2).

In this section, the term "Office of Administrative Hearings" is substituted for the former obsolete reference to "an arbitrator of ... the Department of Personnel" to conform to the recently enacted requirements of Title 9, Subtitle 16 of the State Government Article.

In item (2) of this section, the reference to a "hearing" is substituted for the former reference to an "appeal" to conform to the language used in § 4-504 of this article.

Former Art. 64A, § 36A(c)(2), which related to an employee who is rejected while on probation as a result of a promotion, expressly allowed the Secretary to delegate the authority to approve a proposed decision, but – apparently by inadvertence – not the lesser authority to conduct a hearing and issue a proposed decision. That oversight is corrected by transferring the substance of former § 36A(c)(2) to this section as new item (4).