

3-305. COMPLAINT.

(A) IN GENERAL.

AN APPLICANT OR EMPLOYEE MAY CHARGE AN APPOINTING AUTHORITY WITH A VIOLATION OF § 3-304 OF THIS SUBTITLE BY SUBMITTING A COMPLAINT TO THE SECRETARY.

(B) TIME FOR SUBMISSION.

A COMPLAINT UNDER THIS SUBTITLE MUST BE SUBMITTED WITHIN 1 YEAR OF THE DAY ON WHICH THE COMPLAINANT FIRST KNEW OR SHOULD HAVE KNOWN OF THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and third sentences of former Art. 64A, § 12H(b).

In subsection (b) of this section, the word "complainant" is substituted for the former reference to an "employee" because either an employee or an applicant may file a complaint under this subtitle.

Defined terms: "Appointing authority" § 1-101
"Secretary" § 1-101

3-306. ACTION ON COMPLAINT.

(A) NOTICE REQUIRED.

THE SECRETARY SHALL:

(1) PROMPTLY SEND A COPY OF THE COMPLAINT TO THE APPOINTING AUTHORITY AND TO ANY INDIVIDUAL NAMED IN THE COMPLAINT AS HAVING VIOLATED § 3-304 OF THIS SUBTITLE; AND

(2) PROVIDE THE APPOINTING AUTHORITY WITH AN OPPORTUNITY TO RESPOND IN WRITING TO THE COMPLAINT.

(B) INVESTIGATION.

THE COMPLAINT SHALL BE INVESTIGATED BY:

(1) THE SECRETARY; OR

(2) IF THE DEPARTMENT IS CHARGED IN A COMPLAINT, A DESIGNEE OF THE GOVERNOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 12H(c)(1) and the second sentence of § 12H(b).

In subsection (a)(1) of this section, the reference to an "individual" is substituted for the former reference to a "person" to clarify that only individuals named in a complaint are to be provided with a copy of the complaint.