

Also in subsection (a)(1) of this section, the former requirement that the Secretary "notify" the appointing authority of a complaint is deleted as unnecessary in light of the requirement that the Secretary give the appointing authority a copy of the complaint.

Defined terms: "Appointing authority" § 1-101

"Department" § 1-101

"Secretary" § 1-101

### 3-307. DETERMINATIONS.

#### (A) IN GENERAL.

ON COMPLETION OF THE INVESTIGATION, THE SECRETARY OR THE GOVERNOR'S DESIGNEE SHALL DETERMINE WHETHER A VIOLATION OF § 3-304 OF THIS SUBTITLE HAS OCCURRED.

#### (B) WHEN NO VIOLATION FOUND.

IF THE SECRETARY OR THE GOVERNOR'S DESIGNEE DETERMINES THAT A VIOLATION HAS NOT OCCURRED, THE SECRETARY OR THE GOVERNOR'S DESIGNEE SHALL DISMISS THE COMPLAINT.

#### (C) WHEN VIOLATION FOUND.

(1) IF THE SECRETARY OR THE GOVERNOR'S DESIGNEE DETERMINES THAT A VIOLATION HAS OCCURRED, THE SECRETARY SHALL TAKE REMEDIAL ACTION CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.

#### (2) THE REMEDIAL ACTION MAY INCLUDE:

(I) CAUSING THE REMOVAL FROM THE COMPLAINANT'S STATE PERSONNEL RECORD OF ANY RELATED DETRIMENTAL INFORMATION;

(II) REQUIRING THE APPOINTING AUTHORITY TO HIRE, PROMOTE, OR REINSTATE THE COMPLAINANT OR END THE SUSPENSION OF THE COMPLAINANT;

(III) REQUIRING THE APPOINTING AUTHORITY TO AWARD THE COMPLAINANT BACK PAY TO THE DAY OF THE VIOLATION;

(IV) RECOMMENDING TO THE APPOINTING AUTHORITY APPROPRIATE DISCIPLINARY ACTION AGAINST THE INDIVIDUAL WHO CAUSED THE VIOLATION; AND

(V) TAKING DISCIPLINARY ACTION AGAINST THE INDIVIDUAL WHO CAUSED THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 12H(d).