

In subsection (c)(1) of this section, the reference to remedial action "consistent with this subtitle" is substituted for the former reference to that action "consistent with the purposes of this article" for clarity because there do not appear to be broader purposes elsewhere in former Art. 64A that apply to the Whistleblower Law.

As to the use of the term "reinstate" in subsection (c)(2) of this section, see § 1-101(k) of this article and its accompanying Revisor's Note.

Defined terms: "Appointing authority" § 1-101

"Reinstate" § 1-101

"Secretary" § 1-101

3-308. HEARINGS.

(A) WHEN REQUIRED.

(1) A HEARING SHALL BE HELD IF:

(I) THE COMPLAINANT OR THE APPOINTING AUTHORITY CHALLENGES THE DETERMINATION OF THE SECRETARY OR THE GOVERNOR'S DESIGNEE;

(II) THE COMPLAINANT CHALLENGES THE ADEQUACY OF ANY REMEDIAL ACTION THE SECRETARY TAKES; OR

(III) THE SECRETARY OR THE GOVERNOR'S DESIGNEE FAILS TO ISSUE FINDINGS WITHIN 60 DAYS AFTER THE DAY THE COMPLAINT IS FILED AND THE COMPLAINANT REQUESTS A HEARING.

(2) THE HEARING SHALL BE CONDUCTED BY THE SECRETARY OR A DESIGNEE OF THE GOVERNOR IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(3) THE GOVERNOR MAY NOT DESIGNATE THE INDIVIDUAL WHO INVESTIGATED THE COMPLAINT TO CONDUCT THE HEARING UNDER THIS SECTION.

(B) RIGHT TO COUNSEL AT HEARING.

A PARTY TO A HEARING MAY BE REPRESENTED BY COUNSEL.

(C) TESTIMONY AT HEARING.

TESTIMONY AT THE HEARING SHALL BE UNDER OATH AND RECORDED.

(D) CONFIDENTIAL INFORMATION AT HEARING.

(1) THE CONFIDENTIALITY OF RECORDS AND INFORMATION PROTECTED FROM DISCLOSURE UNDER TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE SHALL BE MAINTAINED IN EACH HEARING CONDUCTED UNDER THIS SUBTITLE.