

(2) ISSUE A WRITTEN DECISION WITHIN THE TIME SPECIFIED BY THE REGULATIONS OF THE SECRETARY.

(C) EFFECT OF DELAY.

IF, AS A RESULT OF MANAGEMENT DELAY, THE APPEAL IS NOT HEARD AND DECIDED WITHIN THE TIMES REQUIRED BY THIS SECTION, THE APPOINTING AUTHORITY SHALL REINSTATE THE SUSPENDED EMPLOYEE WITH FULL BACK PAY.

(D) FURTHER APPEALS.

IF AN EMPLOYEE APPEALS UNDER THIS SECTION, THE EMPLOYEE MAY NOT FURTHER APPEAL THE SUSPENSION EXCEPT IN ACCORDANCE WITH STEP THREE OF THE GRIEVANCE PROCEDURES UNDER § 10-209 OF THIS ARTICLE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid repetition of the phrase "or designee".

Subsections (b) through (d) of this section are new language derived without substantive change from the fourth sentence of former Art. 64A, § 36, § 55(f)(3), and the second and third sentences of § 55(f)(2).

In subsection (b)(1) of this section, the reference to "workdays" is substituted for the former reference to "days" to reflect long-standing Departmental understanding and administrative practice. See also Art. 94, § 2 of the Code.

Subsection (b)(2) of this section is revised to reflect the authority of the Secretary to specify the time within which a written decision is to be made. See COMAR 06.01.01.57A(2).

In subsection (c) of this section, the phrase "not ... decided" is substituted for the former term "unanswered" for clarity.

As to the use of the term "reinstate" in subsection (c) 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

9-406. SAME — BY SECRETARY.

(A) FINDINGS AND DECISION.

IF AN APPEAL IS MADE TO THE SECRETARY, THE SECRETARY SHALL ISSUE A WRITTEN DECISION WITHIN 45 DAYS AFTER THE LATER OF:

(1) THE CONCLUSION OF THE HEARING; OR

(2) THE DAY WHEN ALL BRIEFS OR MEMORANDA HAVE BEEN SUBMITTED.

(B) RESTORATION OF PAY ALLOWED.