

THE DEPARTMENT OR UNIT HEAD SHALL ISSUE A WRITTEN DECISION TO THE GRIEVANT WITHIN 15 DAYS AFTER THE CONFERENCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 54(a)(2), the fifth sentence of § 54(a)(1), and the fourth sentence of § 55(e).

The references to a department or independent unit "head" are substituted for the former references to a "[s]ecretary" because not every employing unit is part of a principal department headed by a "secretary".

The former references to "representative[s]" of the grievant and department or unit head generally are deleted as unnecessary in light of § 10-204 of this subtitle, which allows for representation "at any time". However, in subsection (a)(2) of this section, the reference to an appeal being signed by a "grievant's representative" is added to indicate that, although the initial complaint must be signed personally by the grievant, an appeal may be signed by the grievant's representative.

10-209. STEP THREE: APPEAL TO SECRETARY.

(A) IN GENERAL.

(1) WITHIN 15 DAYS AFTER RECEIVING A DECISION UNDER § 10-208 OF THIS SUBTITLE, A GRIEVANT MAY APPEAL TO THE SECRETARY.

(2) THE APPEAL SHALL BE IN WRITING AND SIGNED BY THE GRIEVANT OR GRIEVANT'S REPRESENTATIVE.

(3) THE APPEAL SHALL DESIGNATE WHETHER THE GRIEVANT ELECTS THE APPEAL TO BE HEARD BY THE SECRETARY OR SUBMITTED TO ARBITRATION.

(4) IN A RECLASSIFICATION GRIEVANCE PROCEEDING, THE SECRETARY SHALL ORDER AN AUDIT OF THE POSITION IF IT HAS NOT BEEN AUDITED WITHIN THE LAST YEAR.

(B) HEARING.

(1) IF THE GRIEVANT ELECTS TO HAVE A HEARING, THE SECRETARY SHALL CONDUCT THE HEARING.

(2) IF THE GRIEVANT CONSENTS, THE HEARING MAY BE CONDUCTED AT A REGIONAL SITE DESIGNATED BY THE SECRETARY FOR GRIEVANCE HEARINGS.

(3) THE SECRETARY SHALL ISSUE A DECISION IN WRITING WITHIN 45 DAYS AFTER THE LATER OF:

(I) THE CONCLUSION OF THE HEARING; OR

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

(C) ARBITRATION.