

Subsection (c)(2) of this section is revised to clarify that an arbitrator is selected "through the American Arbitration Association". The Secretary requests the Association to furnish an arbitrator. See COMAR 06.01.01.56C(3)(b).

Subsection (d)(2) of this section is revised to apply to a final decision issued after either a hearing or an arbitration, for clarity and consistency.

Defined terms: "Grievance" § 10-101

"Position" § 1-101

"Secretary" § 1-101

10-210. BACK PAY AWARDS.

(A) IN GENERAL.

THE SECRETARY MAY ORDER AN APPOINTING AUTHORITY TO GRANT BACK PAY IN ANY GRIEVANCE PROCEEDING.

(B) RECLASSIFICATION GRIEVANCE.

IN A RECLASSIFICATION GRIEVANCE PROCEEDING IN WHICH THE SECRETARY DETERMINES THAT THE GRIEVANT IS WORKING OUTSIDE OF CLASSIFICATION OR IN A POSITION THAT IS IMPROPERLY CLASSIFIED, THE SECRETARY, IN THE SECRETARY'S DISCRETION, MAY ORDER BACK PAY FOR A PERIOD NOT EXCEEDING 1 YEAR BEFORE THE GRIEVANCE PROCEEDING WAS INITIATED.

(C) ORDER TO BE ENFORCED.

THE APPOINTING AUTHORITY SHALL CARRY OUT A BACK PAY ORDER ISSUED UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 54(b) and (d).

In subsection (b) of this section, the former reference to the "authorized representative" of the Secretary is deleted as unnecessary in light of the authority to delegate provided by §§ 2-301 and 10-204 of this article.

See § 14-104 regarding the satisfaction of awards.

Defined terms: "Appointing authority" § 1-101

"Grievance" § 10-101

"Position" § 1-101

"Secretary" § 1-101

SUBTITLE 3. MISCELLANEOUS PROVISIONS.

10-301. RECORDS.

ON CONCLUSION OF EACH STEP OF A GRIEVANCE PROCEEDING, A COPY OF THE GRIEVANCE AND ITS DISPOSITION SHALL BE GIVEN TO THE GRIEVANT OR GRIEVANT'S REPRESENTATIVE OR BOTH.