

- (iii) requiring the appointing authority to award the complainant back pay to the day of the violation;
- (iv) requiring the appointing authority to grant the complainant leave or seniority;
- (v) recommending to the appointing authority appropriate disciplinary action against any individual who caused the violation; and
- (vi) taking disciplinary action against any individual who caused the violation.]

[3-308.

(a) (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) A party to a hearing may be represented by counsel.

(c) Testimony at the hearing shall be under oath and recorded.

(d) (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.

(2) A record that is protected from disclosure under Title 10, Subtitle 6 of the State Government Article may be used as evidence in a hearing only if:

- (i) the material is essential to the conduct of the hearing; and
- (ii) names and other identifying information are deleted to the extent necessary to maintain confidentiality.

(e) As soon as practicable after a hearing, the Secretary or the Governor's designee shall issue a written decision that includes the reasons for the decision.

(f) A complainant who prevails at a hearing may be awarded any appropriate relief, including:

- (1) any remedial action allowed under § 3-307(c)(2) of this subtitle; and