

- (2) costs of litigation and reasonable attorney's fees.

(g) (1) A complainant or appointing authority may appeal the decision issued under subsection (e) of this section in accordance with §§ 10-222 and 10-223 of the State Government Article.

(2) In addition to any other appropriate relief, the court may award costs of litigation and reasonable attorney's fees to a prevailing complainant.]

5-307.

AN EMPLOYEE IN THE STATE PERSONNEL MANAGEMENT SYSTEM WHO SEEKS RELIEF FOR A VIOLATION OF § 5-305 OF THIS SUBTITLE MAY ELECT TO FILE:

- (1) A COMPLAINT UNDER § 5-309 OF THIS SUBTITLE; OR
- (2) A GRIEVANCE UNDER TITLE 49 12 OF THIS ARTICLE.

5-308.

(A) (1) A COMPLAINANT MAY BE REPRESENTED DURING THE COMPLAINT PROCESS BY ANY PERSON THE COMPLAINANT CHOOSES.

- (2) EITHER PARTY MAY BE REPRESENTED AT A HEARING BY COUNSEL.

(B) (1) IF A COMPLAINANT FAILS TO APPEAL A DECISION IN ACCORDANCE WITH THIS SUBTITLE, THE COMPLAINANT IS CONSIDERED TO HAVE ACCEPTED THE DECISION.

(2) A FAILURE TO DECIDE A COMPLAINT IN ACCORDANCE WITH THIS SUBTITLE IS CONSIDERED A DENIAL FROM WHICH AN APPEAL MAY BE MADE.

(C) EACH PARTY SHALL MAKE EVERY EFFORT TO RESOLVE A COMPLAINT AT THE LOWEST LEVEL POSSIBLE.

5-309.

(A) (1) AN EMPLOYEE SUBJECT TO THIS SUBTITLE MAY FILE WITH THE SECRETARY A COMPLAINT THAT ALLEGES A VIOLATION OF § 5-305 OF THIS SUBTITLE.

(2) A COMPLAINT UNDER THIS SUBTITLE MUST BE FILED WITHIN 6 MONTHS AFTER THE COMPLAINANT FIRST KNEW OF OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.

(B) WHEN A COMPLAINT IS RECEIVED, THE SECRETARY OR DESIGNEE PROMPTLY SHALL:

(1) SEND A COPY OF THE COMPLAINT TO THE HEAD OF THE PRINCIPAL UNIT NAMED IN THE COMPLAINT; AND

(2) ADVISE THE HEAD OF THE PRINCIPAL UNIT TO RESPOND IN WRITING TO THE COMPLAINT WITHIN 20 DAYS AFTER RECEIVING THE COPY.

(C) WITHIN 60 DAYS AFTER A COMPLAINT IS RECEIVED: