

(1) THE COMPLAINT SHALL BE INVESTIGATED TO DETERMINE WHETHER A VIOLATION OF § 5-305 OF THIS SUBTITLE HAS OCCURRED:

(I) BY THE SECRETARY OR DESIGNEE OF THE SECRETARY; OR

(II) IF THE DEPARTMENT IS CHARGED IN THE COMPLAINT, BY A DESIGNEE OF THE GOVERNOR; AND

(2) THE SECRETARY OR DESIGNEE OR THE GOVERNOR'S DESIGNEE SHALL:

(I) TAKE THE ACTION DESCRIBED IN SUBSECTION (D)(1) OR (2) OF THIS SECTION; AND

(II) ISSUE TO THE COMPLAINANT AND HEAD OF THE PRINCIPAL UNIT A WRITTEN DECISION THAT INCLUDES ANY REMEDIAL ACTION TAKEN.

(D) (1) IF THE SECRETARY OR DESIGNEE OR THE GOVERNOR'S DESIGNEE DETERMINES THAT A VIOLATION HAS NOT OCCURRED, THE SECRETARY OR GOVERNOR'S DESIGNEE SHALL DISMISS THE COMPLAINT.

(2) IF THE SECRETARY OR DESIGNEE OR THE GOVERNOR'S DESIGNEE DETERMINES THAT A VIOLATION HAS OCCURRED, THE SECRETARY OR DESIGNEE SHALL TAKE APPROPRIATE REMEDIAL ACTION.

(E) AS A REMEDIAL ACTION FOR A VIOLATION OF § 5-305 OF THIS SUBTITLE, THE SECRETARY OR DESIGNEE MAY:

(1) ORDER THE REMOVAL OF ANY RELATED DETRIMENTAL INFORMATION FROM THE COMPLAINANT'S STATE PERSONNEL RECORDS;

(2) REQUIRE THE HEAD OF THE PRINCIPAL UNIT TO:

(I) HIRE, PROMOTE, OR REINSTATE THE COMPLAINANT OR END THE COMPLAINANT'S SUSPENSION FROM EMPLOYMENT;

(II) AWARD THE COMPLAINANT BACK PAY TO THE DAY OF THE VIOLATION;

(III) GRANT THE COMPLAINANT LEAVE OR SENIORITY;

(IV) TAKE APPROPRIATE DISCIPLINARY ACTION AGAINST ANY INDIVIDUAL WHO CAUSED THE VIOLATION; AND

(V) TAKE ANY OTHER REMEDIAL ACTION CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.

5-310.

(A) A COMPLAINANT MAY APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS:

(1) WITHIN 10 DAYS AFTER RECEIVING A DECISION UNDER § 5-309 OF THIS SUBTITLE; OR