(1)   within 3 workdays after receipt of a notice of suspension, to the head of the employee's principal department or other independent unit; or

(2)   (i)   except for an employee of the Department of Personnel, within 5 workdays after receipt of a notice of suspension, to the Secretary in accordance with regulations adopted by the Secretary; or

(ii)   for an employee of the Department of Personnel, within 5 workdays after receipt of a notice of suspension, to the Office of Administrative Hearings.]

[9–405.

(a)   The head of a principal department or other independent unit may authorize a designee to hear appeals under this section.

(b)   If an appeal is made to the head of a principal department or other independent unit, the head of the department or unit shall:

(1)   hold a hearing within 3 workdays after receiving the appeal; and

(2)   issue a written decision within the time specified by the regulations of the Secretary.

(c)   If, as a result of management delay, the appeal is not heard and decided within the times required by this section, the appointing authority shall reinstate the suspended employee with full back pay.

(d)   If an employee appeals under this section, the employee may not further appeal the suspension except in accordance with step three of the grievance procedures under § 10–209 of this article.]

[9–406.

(a)   If an appeal is made to the Secretary, the Secretary shall issue a written decision within 45 days after the later of:

(1)   the conclusion of the hearing; or

(2)   the day when all briefs or memoranda have been submitted.

(b)   If the Secretary disapproves the suspension, the Secretary may order the appointing authority to grant back pay to the employee.]

[9–407.

If an appeal by an employee of the Department is made to the Office of Administrative Hearings, the administrative law judge shall issue the final decision on the appeal.]

Subtitle [4.] 1. Disciplinary [Suspensions] ACTIONS.

11–101.

IN THIS ~~SUBTITLE~~ TITLE, "EMPLOYEE" INCLUDES A FORMER STATE EMPLOYEE.