

[10-209.] 12-205.

(a) (1) Within [15] 10 days after receiving a decision under [§ 10-208] § 12-204 of this subtitle, a grievant or a grievant's representative may appeal THE DECISION in writing to the Secretary.

(2) [The appeal shall designate whether the grievant elects the appeal to be heard by the Secretary or submitted to arbitration.] AN APPEAL SHALL INCLUDE A COPY OF THE DECISION BEING APPEALED AND ANY PRIOR DECISIONS.

[(3) In a reclassification grievance proceeding, the Secretary shall order an audit of the position if it has not been audited within the last year.]

(b) [(1) If the grievant elects to have a hearing, the Secretary shall conduct the hearing.

(2) If the grievant consents, the hearing may be conducted at a regional site designated by the Secretary for grievance hearings.

(3) The Secretary shall issue a decision in writing within 45 days after the later of:

- (i) the conclusion of the hearing; or
- (ii) the day when all briefs or memoranda have been submitted.]

(1) WITHIN 30 DAYS AFTER AN APPEAL IS RECEIVED, THE SECRETARY OR DESIGNEE SHALL:

(I) REVIEW THE GRIEVANCE RECORD;

(II) IF THE GRIEVANCE IS BASED ON A POSITION RECLASSIFICATION, ORDER AN AUDIT OF THE POSITION IF IT HAS NOT BEEN AUDITED WITHIN THE LAST YEAR; AND

(III) TAKE THE ACTION DESCRIBED IN PARAGRAPH (2) ~~OR PARAGRAPH (3)~~ OF THIS SECTION AND GIVE THE PARTIES WRITTEN NOTICE OF THAT ACTION.

(2) (1) IF THE SECRETARY OR DESIGNEE DOES NOT CONCUR WITH THE DECISION OF THE UNIT, THE SECRETARY OR DESIGNEE SHALL ATTEMPT TO RESOLVE THE GRIEVANCE WITH A SETTLEMENT THAT IS BINDING ON ALL PARTIES.

(II) ~~WHEN THE GRIEVANT DOES NOT AGREE TO A PROPOSED SETTLEMENT OF THE GRIEVANCE IF THE GRIEVANCE IS NOT SETTLED,~~ THE SECRETARY OR DESIGNEE SHALL REFER THE GRIEVANCE TO THE OFFICE OF ADMINISTRATIVE HEARINGS ~~FOR A HEARING.~~

~~(3) IF THE SECRETARY OR DESIGNEE CONCURS WITH THE DECISION OF THE UNIT, THE SECRETARY OR DESIGNEE SHALL REFER THE GRIEVANCE TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR A HEARING.~~

(c) [(1) If the grievant elects arbitration, the parties shall mutually select an arbitrator.