

issued by the constituent institution. If the grievance is arbitrated, the parties shall select an arbitrator by mutual agreement. If they are unable to reach a mutual agreement, an arbitrator shall be supplied by the American Arbitration Association by their procedures. Any fees resulting from arbitration are assessed by the arbitrator equally between the two parties. The arbitration award is advisory to the [Secretary of Budget and Management] CHANCELLOR OR ADMINISTRATIVE LAW JUDGE, AS APPROPRIATE, and an additional appeal or hearing may not be considered. The [Secretary of Budget and Management] CHANCELLOR OR ADMINISTRATIVE LAW JUDGE, AS APPROPRIATE, shall make the final decision that is binding on all parties.

(e) The [Secretary of Budget and Management] CHANCELLOR OR ADMINISTRATIVE LAW JUDGE, AS APPROPRIATE, shall have the power to award back pay in any grievance and the president of the constituent institution shall enforce such order. In any reclassification case in which the [Secretary] CHANCELLOR OR ADMINISTRATIVE LAW JUDGE, AS APPROPRIATE, or his designated representative, determines that an employee has been misclassified, the [Secretary] CHANCELLOR OR ADMINISTRATIVE LAW JUDGE, AS APPROPRIATE, may, in his discretion, award back pay to the employee for a period not to exceed one year prior to the initial filing of the grievance.

(f) (1) During any stage of a complaint, grievance, or other administrative or legal action that concerns State employment by a full-time or part-time employee of an institution, or by a temporary or contractual employee of an institution, the employee may not be subjected to coercion, discrimination, interference, reprisal, or restraint by or initiated on behalf of an institution solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

(2) An employee of an institution may not intentionally take or assist in taking an act of coercion, discrimination, interference, reprisal, or restraint against another employee solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

(3) An employee who violates the provisions of this subsection is subject to disciplinary action, including termination of employment.

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(a) Within 5 days from the date on which the employee receives the charges for removal as evidenced by the return receipt or other evidence of delivery of the charges to the employee an employee who is suspended under charges for removal may request an opportunity to be heard in his own defense. Within 30 days if possible after receipt, the [Chancellor or the Chancellor's] PRESIDENT OR THE PRESIDENT'S designated representative shall investigate the charges and give the employee an opportunity to be heard. Testimony shall be taken under oath and both the department head or chairman or designee and the employee has the right of representation by counsel and the right to present witnesses and give evidence. Within 15 days following the conclusion of the conference, the written decision shall be rendered to the employee. In the case of appeals from charges pending removal, the department head or chairman or designee may request through appropriate