

1-405.

IN ANY ACTION BROUGHT UNDER THIS SUBTITLE, A COURT MAY:

(1) ISSUE AN INJUNCTION TO RESTRAIN CONTINUED VIOLATION OF THIS SUBTITLE;

(2) REINSTATE THE EMPLOYEE TO THE SAME, OR AN EQUIVALENT POSITION HELD BEFORE THE ~~RETALIATORY PERSONNEL ACTION~~ VIOLATION OF § 1-402 OF THIS SUBTITLE;

(3) REMOVE ANY ADVERSE PERSONNEL RECORD ENTRIES BASED ON OR RELATED TO THE ~~RETALIATORY PERSONNEL ACTION~~ VIOLATION OF § 1-402 OF THIS SUBTITLE;

(4) REINSTATE FULL FRINGE BENEFITS AND SENIORITY RIGHTS;

(5) REQUIRE COMPENSATION FOR LOST WAGES, BENEFITS, AND OTHER REMUNERATION; AND

(6) ASSESS REASONABLE ~~COUNSEL~~ ATTORNEYS FEES AND OTHER LITIGATION EXPENSES AGAINST:

(I) THE EMPLOYER, IF THE EMPLOYEE PREVAILS; OR

(II) THE EMPLOYEE, IF THE COURT DETERMINES THAT THE ACTION WAS BROUGHT BY THE EMPLOYEE IN BAD FAITH AND WITHOUT BASIS IN LAW OR FACT.

1-406.

IN ANY ACTION BROUGHT UNDER THIS SUBTITLE, IT IS A DEFENSE THAT THE PERSONNEL ACTION WAS BASED ON GROUNDS OTHER THAN THE EMPLOYEE'S EXERCISE OF ANY RIGHTS PROTECTED UNDER THIS SUBTITLE.

1-407.

~~A CIVIL ACTION UNDER THIS SUBTITLE SHALL BE DEEMED A WAIVER OF THE RIGHTS AND REMEDIES AVAILABLE UNDER ANY OTHER CONTRACT, COLLECTIVE BARGAINING AGREEMENT, LAW, RULE, REGULATION, OR UNDER THE COMMON LAW WITH RESPECT TO PROTECTION AGAINST EMPLOYER DISCRIMINATION OR RETALIATION FOR EMPLOYEE DISCLOSURE OF UNLAWFUL BEHAVIOR OR PARTICIPATION IN UNLAWFUL BEHAVIOR BY THE EMPLOYER.~~

**Article — State Personnel and Pensions**

5-301.

~~This subtitle applies to all employees and State employees who are applicants for positions in the Executive Branch of State government, including a unit with an independent personnel system, EXCEPT THOSE EMPLOYEES LICENSED OR CERTIFIED BY A BOARD UNDER THE HEALTH OCCUPATIONS ARTICLE.~~