

Chapter 697

(House Bill 822)

AN ACT concerning

**University System of Maryland – Regular Employees – Grievance Procedures
and Disciplinary Actions**

FOR the purpose of authorizing a constituent institution of the University System of Maryland to remove, suspend, or demote a certain regular full-time or part-time employee who is not on probation only in accordance with certain provisions of law; ~~requiring a constituent institution and an exclusive representative to negotiate a certain item under certain circumstances;~~ making conforming changes; repealing obsolete language; altering a certain definition; and generally relating to grievance procedures and disciplinary actions for certain regular employees of the University System of Maryland.

BY repealing and reenacting, with amendments,

Article – Education

Section 12–111; and 13–201 and 13–207(a) to be under the amended subtitle
“Subtitle 2. University of Maryland Regular Employee Grievance Procedures”

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY adding to

Article – Education

Section 13–205.1

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

12–111.

(a) Except as otherwise provided by law, appointments of the University System of Maryland are not subject to or controlled by the provisions of the State Personnel and Pensions Article that govern the State Personnel Management System.

(b) In accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general policies and guidelines governing the appointment, compensation, advancement, tenure, and termination of all [classified] **REGULAR FULL-TIME AND PART-TIME** personnel.

(c) The policies established under subsection (b) of this section shall include consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed.

Subtitle 2. University of Maryland [Classified] **REGULAR** Employee Grievance Procedures.

13-201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Day” means, except as otherwise provided, a working day, Monday through Friday, regardless of work schedule, weekend work, or midweek days off.

(c) **(1)** “Grievance” means any cause of complaint arising between a [classified employee or associate staff] **REGULAR FULL-TIME OR PART-TIME** employee and [his employer] **THE UNIVERSITY** on a matter concerning discipline, alleged discrimination, promotion, assignment, or interpretation or application of ~~University~~ rules or departmental procedures over which the ~~University~~ management has control. [However, if the complaint pertains to the general level of wages, wage patterns, fringe benefits, or to other broad areas of financial management and staffing, it is not a grievable issue.]

(2) “GRIEVANCE” DOES NOT INCLUDE:

(I) COMPLAINTS ON THE GENERAL LEVEL OF WAGES, WAGE PATTERNS, FRINGE BENEFITS, OR OTHER BROAD AREAS OF FINANCIAL MANAGEMENT AND STAFFING; OR

(II) ANY CAUSE OF COMPLAINT BY ~~FACULTY EMPLOYEES, DEANS, PROVOSTS, OR ADMINISTRATORS~~ ANY EMPLOYEE WHO IS NOT REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(d) “University”, unless the context requires otherwise, means a constituent institution of the University System of Maryland.

13-205.1.

(A) THIS SECTION APPLIES ONLY TO A REGULAR FULL-TIME OR PART-TIME EMPLOYEE WHO IS REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(B) ~~(1)~~ THE UNIVERSITY MAY REMOVE, SUSPEND, OR DEMOTE A REGULAR FULL-TIME OR PART-TIME EMPLOYEE WHO IS NOT ON PROBATION ONLY:

- ~~(H)~~ (1) FOR CAUSE;
- ~~(H)~~ (2) ON WRITTEN CHARGES; AND
- ~~(H)~~ (3) IN ACCORDANCE WITH THIS SUBTITLE.

~~(2) (I) FOR EMPLOYEES WHO ARE REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE THE UNIVERSITY AND THE EXCLUSIVE REPRESENTATIVE SHALL NEGOTIATE WHAT CONSTITUTES CAUSE UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(H) FOR AN EMPLOYEE WHO IS NOT REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE, THE UNIVERSITY SHALL REMOVE, SUSPEND, OR DEMOTE THE EMPLOYEE ONLY IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11 OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT APPLY TO STATE EMPLOYEES IN THE SKILLED AND PROFESSIONAL SERVICES.~~

~~(3) (C) THE UNIVERSITY MAY NOT REMOVE, SUSPEND, OR DEMOTE A REGULAR FULL-TIME OR PART-TIME EMPLOYEE FOR ANY REASON PROHIBITED BY § 2-302 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.~~

13-207.

(a) The defense of sovereign immunity may not be available to the University, unless otherwise specifically provided by the laws of Maryland, in any administrative, arbitration, or judicial proceeding held pursuant to this section, or the personnel policies, rules, and regulations for [classified] **REGULAR FULL-TIME AND PART-TIME** employees of the University System of Maryland involving any type of employee grievance or hearing, including, but not limited to charges for removal, disciplinary suspensions, involuntary demotions, or reclassifications.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.