

STATE PERSONNEL MANAGEMENT SYSTEM APPEAL AND GRIEVANCE FORM

(Attach copies of any earlier agency decisions. If appealing a disciplinary action, the notice of discipline must be attached.)

EMPLOYEE'S NAME:	
EMPLOYING AGENCY:	DIV. or UNIT:
EMPLOYEE'S CLASSIFICATION:	
HOME ADDRESS:	PHONE #:
	EMAIL:
Issue of employee's grievance or reason given by agency for taking disciplinary action (attach additional pages as necessary):	
Date grievance or discipline was discussed with appointing authority:	
State the issues of fact and law, to the extent possible, that support the employee's action (attach additional pages as necessary):	
Employee's Requested Remedy:	
EMPLOYEE REPRESENTED BY:	
Address:	
Phone Number:	

EMPLOYEE'S SIGNATURE: _____ **DATE SIGNED:** _____

Please Circle Appeal Category:

- | | |
|---|---|
| 10 Termination | 40 Forfeiture of Annual Leave |
| 11 Termination on Probation | 42 Written Reprimand |
| 20 Suspension Without Pay | 50 Involuntary Demotion |
| 22 Emergency Suspension With Pay | 60 Denial of Pay Increase |
| 30 Grievance (If complaint involves a denied reclass,
give date of last audit:) | 80 Retaliation for "Whistleblower" Disclosure |

FAILURE TO FULLY COMPLETE THIS FORM WILL DELAY THE PROCESSING OF THIS APPEAL OR IT MAY RESULT IN ADVERSE ACTION ON THIS APPEAL.

See reverse side for process to file your appeal

PROCESSES FOR FILING APPEALS

Appeal of Disciplinary Action (appeal categories 10; 11; 20; 22; 40; 42; 50 and 60)

An employee (or former employee) in the Skilled or Professional Service (other than an employee under a Special Appointment) who is disciplined according to Title 11 of the State Personnel and Pensions Article (SPP) may appeal the discipline as follows:

(1) Within 15 calendar days of notice of the appointing authority's disciplinary action, file a written appeal with the head of the principal unit. The head of the principal unit shall issue a written decision on the appeal within 15 days of its receipt (SPP § 11-109(e)); however, the failure of the head of the principal unit to issue a written decision within 15 days constitutes a denial of the appeal from which the employee may appeal further, as noted below. SPP § 11-108(b).

(2) Within 10 calendar days of receipt of the decision of the head of the principal unit, either in writing or by action of law as noted above, appeal to the Department of Budget and Management (DBM) as follows: by email to appeals.dbm@maryland.gov; by fax to 410-333-7603; or by US Mail to the address at the bottom of this page. An appeal to the Department shall include a copy of the decision being appealed. The DBM has 30 days in which to attempt to resolve the appeal. If the appeal is not resolved, DBM will forward the appeal to the Office of Administrative Hearings (OAH) for a hearing and advise the employee of this action. The disposition of the appeal by the OAH is the final administrative decision.

For employees under a Special Appointment or in the Management or Executive Service, an employee (or former employee) who is disciplined according to SPP Title 11 may appeal the discipline within 15 calendar days to the head of the principal unit. Within 15 calendar days after receiving the appeal, the head of the principal unit will issue a written decision, which is the final administrative decision.

Each party shall make every effort to resolve a disciplinary matter at the lowest possible level.

Appeal of Grievance (appeal category 30)

A covered employee (see SPP § 12-102) may file a grievance in the following manner:

(1) Step One. Before initiating the grievance procedure the employee must first discuss the grievance with the employee's supervisor. Within 20 calendar days after the alleged cause of complaint, or within 20 calendar days after the employee reasonably became aware of the alleged cause of complaint, the employee may present the grievance in writing to the appointing authority. A copy of the grievance shall be given to the employee's supervisor. The appointing authority shall hold a conference with the employee within 10 calendar days after receipt of the written grievance and shall issue a written decision within 10 calendar days after the conference. If the employee is not satisfied with the decision, the employee or employee's designated representative may appeal to the head of the principal unit or designee within 10 calendar days after receipt of the written decision.

(2) Step Two. The head of the principal unit or a designated representative shall hold a conference with the employee within 10 calendar days after receipt of the written appeal, and shall issue a written decision to the employee within 10 calendar days after the conference. If the employee is not satisfied with the decision, the employee or the employee's representative may appeal to the Department of Budget and Management (DBM) within 10 calendar days after receipt to the written decision. An appeal may be filed with DBM as follows: by email to appeals.dbm@maryland.gov; by fax to 410-333-7603; or by US Mail to the address at the bottom of this page. An appeal shall include a copy of the decision being appealed and any other prior decisions.

(3) Step Three. Within 30 days of receipt of the employee's appeal, DBM may confer with the parties and attempt to resolve the grievance. If a settlement is not reached, DBM will forward the appeal to the Office of Administrative Hearings. The disposition of the appeal by the Office of Administrative Hearings is the final administrative decision.

The parties are obligated to attempt to resolve the grievance at the lowest possible step.

Appeal of Whistleblower Complaint (appeal category 80)

An employee may appeal to the Office of Administrative Hearings for a hearing either:

- (1) Within 10 days after receiving a decision on the complaint from the Department of Budget and Management's Office of Personnel Services and Benefits; or
- (2) When a decision is not issued within 60 days after the complaint is filed and the complainant requests a hearing.

Department of Budget and Management, Office of Personnel Services and Benefits, Employee & Labor Relations Division, 301 West Preston Street, Suite 607, Baltimore, Maryland 21201