

*Not signed by the Acting Governor.

No. 54*

(Senate Joint Resolution 29)

A Senate Joint Resolution concerning

Compensation of Driver's License Reviewers

FOR the purpose of ~~compensating~~ requesting the Acting Governor to include money in the supplemental budget to compensate certain driver's license reviewers for the period they were improperly paid; and requesting that there be a consistent policy on the award of back pay in personnel cases.

WHEREAS, It has come to our attention that the driver's license reviewers in the Motor Vehicle Administration were paid for several years at the salary scale 10 level while hearing officers performing the same duties as the reviewers were paid at the salary scale 15 level; and

WHEREAS, On ~~December 13, 1972~~ March 15, 1974, the reviewers filed a grievance asking to be reclassified to salary scale 15; and

WHEREAS, Through the five step grievance procedure, it was not until September 4, 1975 that the aggrieved parties were able to have final determination of their case; and

WHEREAS, The arbitrators' decision was that the driver's license reviewers were indeed improperly classified, and they were reclassified to the higher salary scale; and

WHEREAS, Although it was determined that the reviewers were improperly paid they were not given back pay for the period of their improper compensation; and

WHEREAS, The reviewers appealed to the courts asking that they be awarded the back pay; and

WHEREAS, The trial appellate courts were barred from finding for the reviewers solely on the doctrine of sovereign immunity which prohibited the State from being sued for breach of contractual obligations; and

WHEREAS, Judge Liss of the Court of Special Appeals, in his opinion on the case stated: "It seems clear from the reading of the record that there was an inordinate delay in the resolution of the appellants' complaint most of which