

(ii) if the grievance is based on a position reclassification, order an audit of the position if it has not been audited within the last year; and

(iii) take the action described in paragraph (2) of this subsection and give the parties written notice of that action.

(2) (i) If the Secretary or designee does not concur with the decision of the unit, the Secretary or designee shall attempt to resolve the grievance with a settlement that is binding on all parties.

(ii) If the grievance is not settled, the Secretary or designee shall refer the grievance to the Office of Administrative Hearings.

(c) (1) (i) The Office of Administrative Hearings shall dispose of the grievance or conduct a hearing on each grievance received from the Secretary in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) The Office is bound by any regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the Department is or would have been bound if it were hearing the case.

(iii) The employee has the burden of proof by a preponderance of the evidence.

(2) (i) Within 45 days after the close of the hearing record, the Office of Administrative Hearings shall issue a written decision to the parties and may grant any appropriate remedy under § 12-402 of this title.

(ii) The decision of the Office of Administrative Hearings is the final administrative decision.

(3) ~~ALL COSTS ASSOCIATED WITH APPEALING~~ ANY COSTS THE PRINCIPLE UNIT OFFICE OF ADMINISTRATIVE HEARINGS INCURS FOR THE APPEAL OF A GRIEVANCE TO THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL BE PAID BY THE PRINCIPAL UNIT THAT EMPLOYS THE GRIEVANT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2005~~ July 1, 2006.

Approved May 10, 2005.

CHAPTER 403

(House Bill 930)

AN ACT concerning

Education - Youth Suicide Prevention School Program - Mental Health Programs

FOR the purpose of authorizing the Youth Suicide Prevention School Program to